

**LAWYERS PROFESSIONAL RESPONSIBILITY BOARD
MEETING AGENDA**

Friday, September 8, 2017 - 1:00 p.m.

Town & Country Club
300 Mississippi River Boulevard North
St. Paul, Minnesota

SPECIAL MEETING ON RULE 5.5, MRPC

1. Discussion of MSBA proposed amendments to Rule 5.5, MRPC.
 - a) Summary of changes (Attachment 1(a)).
 - b) Current text of rule (Attachment 1(b)).
 - c) *In re Charges of Unprofessional Conduct in Panel No. 39302*, 884 N.W.2d 661 (Minn. 2016) (Attachment 1(c)).
 - d) Rules Committee Memorandum, with attachments (Attachment 1(d)).
 - i) MSBA Memorandum (Attachment 1(d)(i)).
 - ii) Director letter to MSBA Committee (Attachment 1(d)(ii)).
 - iii) 50-State Survey of Rule 5.5 (Attachment 1(d)(iii)).

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**SUMMARY OF PROPOSED CHANGES TO RULE 5.5, MRPC
Special Meeting of the LPRB - September 8, 2017**

<u>Proposed Change</u>	<u>Purpose of Proposed Change</u>	<u>LPRB Rules Committee Consensus</u>	<u>Director's Position</u>
Friends and Family	To remove certain relationships from what would otherwise be UPL	Acceptable with tighter definition of prior professional relationship	Not in favor
Snowbird	To allow a lawyer to continue to practice the law of the jurisdiction in which the lawyer is licensed when the lawyer moves to another state	Not in favor	Not in favor
Reasonably Related	To expand the exception to UPL regulation by expanding the definition of services "reasonably related" to the lawyer's practice in the lawyer's home jurisdiction	Not in favor	Not in favor

RULE 5.5: UNAUTHORIZED PRACTICE OF LAW; MULTIJURISDICTIONAL PRACTICE OF LAW

- (a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so, except that a lawyer admitted to practice in Minnesota does not violate this rule by conduct in another jurisdiction that is permitted in Minnesota under Rule 5.5 (c) and (d) for lawyers not admitted to practice in Minnesota.
- (b) A lawyer who is not admitted to practice in this jurisdiction shall not:
- (1) except as authorized by these rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or
 - (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.
- (c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction which:
- (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;
 - (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in the proceeding or reasonably expects to be so authorized;
 - (3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or
 - (4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.
- (d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this

jurisdiction that are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

Comment

- [1] A lawyer may practice law only in a jurisdiction in which the lawyer is authorized to practice. A lawyer may be admitted to practice law in a jurisdiction on a regular basis or may be authorized by court rule or order or by law to practice for a limited purpose or on a restricted basis. Paragraph (a) applies to unauthorized practice of law by a lawyer, whether through the lawyer's direct action or by the lawyer assisting another person. For example, a lawyer may not assist a person in practicing law in violation of the rules governing professional conduct in that person's jurisdiction. The exception is intended to permit a Minnesota lawyer, without violating this rule, to engage in practice in another jurisdiction as Rule 5.5 (c) and (d) permit a lawyer admitted to practice in another jurisdiction to engage in practice in Minnesota. A lawyer who does so in another jurisdiction in violation of its law or rules may be subject to discipline or other sanctions in that jurisdiction.
- [2] The definition of the practice of law is established by law and varies from one jurisdiction to another. Whatever the definition, limiting the practice of law to members of the bar protects the public against rendition of legal services by unqualified persons. This rule does not prohibit a lawyer from employing the services of paraprofessionals and delegating functions to them, so long as the lawyer supervises the delegated work and retains responsibility for their work. See Rule 5.3.
- [3] A lawyer may provide professional advice and instruction to nonlawyers whose employment requires knowledge of the law; for example, claims adjusters, employees of financial or commercial institutions, social workers, accountants and persons employed in government agencies. Lawyers also may assist independent nonlawyers, such as paraprofessionals, who are authorized by the law of a jurisdiction to provide particular law-related services. In addition, a lawyer may counsel nonlawyers who wish to proceed pro se.
- [4] Other than as authorized by law or this rule, a lawyer who is not admitted to practice generally in this jurisdiction violates paragraph (b)(1) if the lawyer establishes an office or other systematic and continuous presence in this jurisdiction for the practice of law. Presence may be systematic and continuous even if the lawyer is not physically present here. Such a lawyer must not hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction. See also Rules 7.1 and 7.5(b).
- [5] There are occasions in which a lawyer admitted to practice in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction under circumstances that do not create an unreasonable risk to the interests of their clients, the public, or the courts. Paragraph (c) identifies four such circumstances. The fact that conduct is not so identified does not imply that the conduct is or is not authorized. With the exception of paragraph (d), this rule does not authorize a lawyer to establish an office or other

systematic and continuous presence in this jurisdiction without being admitted to practice generally here.

- [6] There is no single test to determine whether a lawyer's services are provided on a "temporary basis" in this jurisdiction, and may therefore be permissible under paragraph (c). Services may be "temporary" even though the lawyer provides services in this jurisdiction on a recurring basis or for an extended period of time, as when the lawyer is representing a client in a single lengthy negotiation or litigation.
- [7] Paragraphs (c) and (d) apply to lawyers who are admitted to practice law in any United States jurisdiction, which includes the District of Columbia, and any state, territory or commonwealth of the United States. The word "admitted" in paragraph (c) contemplates that the lawyer is authorized to practice in the jurisdiction in which the lawyer is admitted and excludes a lawyer who while technically admitted is not authorized to practice because, for example, the lawyer is on inactive status.
- [8] Paragraph (c)(1) recognizes that the interests of clients and the public are protected if a lawyer admitted only in another jurisdiction associates with a lawyer licensed to practice in this jurisdiction. For this paragraph to apply, however, the lawyer admitted to practice in this jurisdiction must actively participate in and share responsibility for the representation of the client.
- [9] Lawyers not admitted to practice generally in a jurisdiction may be authorized by law or order of a tribunal or an administrative agency to appear before the tribunal or agency. This authority may be granted pursuant to formal rules governing admission pro hac vice or pursuant to informal practice of the tribunal or agency. Under paragraph (c)(2), a lawyer does not violate this rule when the lawyer appears before a tribunal or agency pursuant to such authority. To the extent that a court rule or other law of this jurisdiction requires a lawyer who is not admitted to practice in this jurisdiction to obtain admission pro hac vice before appearing before a tribunal or administrative agency, this rule requires the lawyer to obtain that authority.
- [10] Paragraph (c)(2) also provides that a lawyer rendering services in this jurisdiction on a temporary basis does not violate this rule when the lawyer engages in conduct in anticipation of a proceeding or hearing in a jurisdiction in which the lawyer is authorized to practice law or in which the lawyer reasonably expects to be admitted pro hac vice. Examples of such conduct include meetings with the client, interviews of potential witnesses, and the review of documents. Similarly, a lawyer admitted only in another jurisdiction may engage in conduct temporarily in this jurisdiction in connection with pending litigation in another jurisdiction in which the lawyer is or reasonably expects to be authorized to appear, including taking depositions in this jurisdiction.
- [11] When a lawyer has been or reasonably expects to be admitted to appear before a court or administrative agency, paragraph (c)(2) also permits conduct by lawyers who are associated with that lawyer in the matter, but who do not expect to appear before the court or administrative agency. For example, subordinate lawyers may conduct research, review documents, and attend meetings with witnesses in support of the lawyer responsible for the litigation.

- [12] Paragraph (c)(3) permits a lawyer admitted to practice law in another jurisdiction to perform services on a temporary basis in this jurisdiction if those services are in or reasonably related to a pending 96 or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice. The lawyer, however, must obtain admission pro hac vice in the case of a court-annexed arbitration or mediation or otherwise if court rules or law so require.
- [13] Paragraph (c)(4) permits a lawyer admitted in another jurisdiction to provide certain legal services on a temporary basis in this jurisdiction that arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted but are not within paragraphs (c)(2) or (c)(3). These services include both legal services and services that nonlawyers may perform but that are considered the practice of law when performed by lawyers.
- [14] Paragraphs (c)(3) and (c)(4) require that the services arise out of or be reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted. A variety of factors evidence such a relationship. The lawyer's client may have been previously represented by the lawyer, or may be resident in or have substantial contacts with the jurisdiction in which the lawyer is admitted. The matter, although involving other jurisdictions, may have a significant connection with that jurisdiction. In other cases, significant aspects of the lawyer's work might be conducted in that jurisdiction or a significant aspect of the matter may involve the law of that jurisdiction. The necessary relationship might arise when the client's activities or the legal issues involve multiple jurisdictions, such as when the officers of a multinational corporation survey potential business sites and seek the services of their lawyer in assessing the relative merits of each. In addition, the services may draw on the lawyer's recognized expertise developed through the regular practice of law on behalf of clients in matters involving a particular body of federal, nationally-uniform, foreign, or international law.
- [15] Paragraph (d) identifies a circumstance in which a lawyer who is admitted to practice in another United States jurisdiction, and is not disbarred or suspended from practice in any jurisdiction, may establish an office or other systematic and continuous presence in this jurisdiction for the practice of law. Pursuant to paragraph (c) of this Rule, a lawyer admitted in any U.S. jurisdiction may also provide legal services in this jurisdiction on a temporary basis. Except as provided in paragraph (d), a lawyer who is admitted to practice law in another jurisdiction and who establishes an office or other systematic or continuous presence in this jurisdiction must become admitted to practice law generally in this jurisdiction.
- [16] Paragraph (d) recognizes that a lawyer may provide legal services in a jurisdiction in which the lawyer is not licensed when authorized to do so by federal or other law, which includes statute, court rule, executive regulation, or judicial precedent.
- [17] A lawyer who practices law in this jurisdiction pursuant to paragraphs (c) or (d) or otherwise is subject to the disciplinary authority of this jurisdiction. See Rule 8.5(a).

[18] In some circumstances, a lawyer who practices law in this jurisdiction pursuant to paragraphs (c) or (d) may have to inform the client that the lawyer is not licensed to practice law in this jurisdiction. For example, such notice may be required when the representation occurs primarily in this jurisdiction and requires knowledge of the law of this jurisdiction. See Rule 1.4(b).

[19] Paragraphs (c) and (d) do not authorize communications advertising legal services in this jurisdiction by lawyers who are admitted to practice in other jurisdictions. Whether and how lawyers may communicate the availability of their services in this jurisdiction is governed by Rules 7.1 to 7.5.

884 N.W.2d 661
Supreme Court of Minnesota.

In re CHARGES OF UNPROFESSIONAL
CONDUCT IN PANEL FILE NO. 39302.

No. A15-2078.

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Aug. 31, 2016.

Synopsis

Background: After the Director of the Office of Lawyers Professional Responsibility issued private admonition to attorney for engaging in unauthorized practice of law in Minnesota, panel of Lawyers Professional Responsibility Board affirmed admonition. Attorney appealed.

Holdings: The Supreme Court held that:

[1] on an issue of first impression, Colorado attorney negotiating via e-mail with Minnesota attorney regarding Minnesota judgment and Minnesota clients was unauthorized practice of law in Minnesota;

[2] attorney was not authorized to practice law in Minnesota temporarily; and

[3] misconduct warranted private admonition.

Admonition ordered.

Anderson, J., filed dissenting opinion in which Lillehaug and Chutich, JJ., joined.

*663 Syllabus by the Court

1. Based on appellant's representation of Minnesota residents with respect to a Minnesota judgment and attempt to negotiate with a Minnesota lawyer, via e-mail, the satisfaction of that judgment, the Panel's finding that appellant engaged in the unauthorized practice of law in Minnesota in violation of Minn. R. Prof. Conduct 5.5(a), even though appellant was not physically present in Minnesota, was not clearly erroneous.

2. The Panel's finding that appellant was not authorized to practice law in Minnesota temporarily, pursuant to Minn. R. Prof. Conduct 5.5(c), was not clearly erroneous where appellant took no steps to find local counsel or be admitted to practice pro hac vice, and appellant's clients were Minnesota residents with a debt owed to a Minnesota resident that was governed by Minnesota law.

3. In this case, an admonition is the appropriate disposition for an out-of-state attorney who engaged in the unauthorized practice of law in Minnesota.

Attorneys and Law Firms

Susan M. Humiston, Director, Binh T. Toung, Assistant Director, Office of Lawyers Professional Responsibility, Saint Paul, MN, for respondent.

Eric T. Cooperstein, Law Office of Eric T. Cooperstein, PLLC, Minneapolis, MN, for appellant.

OPINION

PER CURIAM.

The Director of the Office of Lawyers Professional Responsibility (the Director) issued a private admonition to appellant for engaging in the unauthorized practice of law in Minnesota. Appellant demanded that the Director present the charge to a Panel of the Lawyers Professional Responsibility Board (the Panel). Following an evidentiary hearing, the Panel affirmed the Director's admonition, finding that appellant had engaged in the unauthorized practice of law in Minnesota, in violation of Minn. R. Prof. Conduct 5.5(a), and that the misconduct was isolated and non-serious. Appellant filed a notice of appeal, contesting the Panel's determination that his conduct violated Minn. R. Prof. Conduct 5.5. See Rule 9(m), Rules on Lawyers Professional Responsibility (RLPR). We hold that engaging in e-mail communications with people in Minnesota may constitute the unauthorized practice of law in Minnesota, in violation of Minn. R. Prof. Conduct 5.5(a), even if the lawyer is not physically present in Minnesota. The Panel's finding that appellant engaged in the unauthorized practice of law in Minnesota, in violation of Minn. R. Prof. Conduct 5.5(a), was not clearly erroneous. Appellant represented a Minnesota couple with respect

to a Minnesota judgment and attempted to negotiate, via e-mail, the satisfaction of that judgment with a Minnesota lawyer, and was not authorized to practice law in Minnesota temporarily. We further conclude that the appropriate disposition for this misconduct is an admonition.

I.

Appellant is an attorney licensed to practice law in the state of Colorado, *664 where he maintains an office and has been practicing environmental law since 1986. He has also practiced personal injury law for approximately 7 years. Part of his litigation practice includes debt collection. Appellant is admitted to practice law in New York, Florida, and Alaska, but is currently on inactive status in those states. Appellant is also admitted to practice in federal court in the District of Colorado, the District of Alaska, the Southern and Western Districts of New York, and the United States Court of Appeals for the Ninth and Tenth Circuits. Appellant is not licensed to practice law in Minnesota.

Appellant's mother- and father-in-law live in Minnesota. They contacted appellant in May 2014 to obtain assistance regarding a judgment entered against them in conciliation court in Minnesota for \$2,368.13 in favor of their condominium association, Voyager Condominium Homeowners' Association, Inc. (VCHA). The couple told appellant that VCHA's attorney, D.R., a Minnesota-based lawyer and the complainant in this case, was harassing them with telephone calls attempting to collect on the judgment. The couple asked appellant for his assistance in negotiating with D.R. regarding payment of the outstanding judgment.

Appellant sent an e-mail to D.R. in late May 2014, informing D.R. that he was representing his in-laws and instructing D.R. to direct all future communications to him instead. Appellant and D.R. exchanged approximately two dozen e-mails between May 2014 and September 2014. In his first responsive e-mail to appellant, D.R. asked whether appellant was licensed to practice law in Minnesota. Appellant replied that he was not licensed in Minnesota and that if he needed to file suit in Minnesota he would hire local counsel. The subsequent e-mails consisted of discussions regarding the in-laws' assets and ability to pay and whether the

VCHA judgment would have priority in a foreclosure sale. Appellant attached financial disclosure forms to one of his e-mails and made a settlement offer.

In the penultimate e-mail exchange between the two attorneys, D.R. asserted that appellant was engaging in the unauthorized practice of law because he was not licensed in Minnesota. The final e-mail prior to D.R. filing an ethics complaint was a settlement proposal from appellant to D.R. on that same day. The Director received D.R.'s ethics complaint in October 2014. Approximately 2 months after filing the complaint, D.R. sent additional e-mails to appellant to determine whether the settlement offer was still available and whether appellant still represented his in-laws. Appellant did not respond to the subsequent e-mails and had no further involvement in the case.

Nothing in the record shows that appellant researched whether his activities constituted the unauthorized practice of law under the Minnesota Rules of Professional Conduct. When asked by the Panel at the evidentiary hearing whether he researched the rules in Minnesota, appellant said that he did not recall. Appellant admitted that he had not researched Minnesota law on foreclosure and how it would apply to his in-laws' case. Appellant also admitted that when he considered the relevant law and the rules of professional conduct, he was more familiar with the laws and rules in Colorado.

The Panel affirmed the Director's admonition, finding that clear and convincing evidence demonstrated a violation of Minn. R. Prof. Conduct 5.5(a). *See* Rule 9(j)(1)(iii), RLPR. The Panel found that appellant "is not licensed in Minnesota.... He is licensed in Colorado.... He was—although maybe not paid, he certainly has held out the fact that he represented *665 clients, which regardless of whether they're related or not, he did represent them, admitted to representing them in a purely Minnesota case."

Pursuant to Rule 9(m), RLPR, appellant appealed the admonition to this court. Specifically, appellant challenges the Panel's determinations that he violated Minn. R. Prof. Conduct 5.5(a) and that his conduct did not fall within one of the exceptions in Minn. R. Prof. Conduct 5.5(c). We address each issue in turn.

II.

[1] We turn first to appellant's claim regarding Rule 5.5(a). It states, in relevant part, that "[a] lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction...." Minn. R. Prof. Conduct 5.5(a).

Appellant contends that he did not violate Rule 5.5(a) because he did not practice law *in* Minnesota. According to appellant, a lawyer practices *in* a jurisdiction in one of three ways: (1) by being physically present in the jurisdiction; (2) by establishing an office or other systematic and continuous presence in the jurisdiction; or (3) by entering an appearance in a matter through the filing of documents with a tribunal. Appellant argues that e-mail communication directed to a jurisdiction in which the lawyer is not admitted to practice does not fall within the definition of practicing law *in* a jurisdiction, and thus the Panel erred in its determination that he violated Rule 5.5(a).

[2] [3] We review findings made in lawyer discipline cases under a clearly erroneous standard. *In re Panel Case No. 23236*, 728 N.W.2d 254, 257–58 (Minn.2007). We "will uphold the panel's factual findings if they have evidentiary support in the record and are not clearly erroneous." *In re Mose*, 754 N.W.2d 357, 360 (Minn.2008) (citing *In re Singer*, 735 N.W.2d 698, 703 (Minn.2007)).

Appellant concedes for the purpose of this appeal that he engaged in the practice of law, albeit in Colorado. Such a concession is consistent with our prior cases holding that negotiating the resolution of a claim on behalf of a client constitutes the practice of law. See *In re Ray*, 610 N.W.2d 342, 343, 346 (Minn.2000) (upholding the referee's finding that the attorney engaged in the unauthorized practice of law by negotiating with the county attorney on behalf of a client while the attorney was subject to a disciplinary suspension); *In re Ray*, 452 N.W.2d 689, 693 (Minn.1990) (holding that "the record support[ed] the referee's conclusion" that the attorney engaged in the unauthorized practice of law by attempting to negotiate settlements for two clients). Appellant maintains, however, that an attorney does not practice law in another jurisdiction merely by engaging in e-mail communications with individuals in that jurisdiction. Whether an attorney engages in the

practice of law *in* Minnesota by sending e-mails from *another* jurisdiction is a matter of first impression.

Rule 5.5(a) of the Minnesota Rules of Professional Conduct does not explicitly define what it means to practice law *in* a jurisdiction. Certainly, physical presence is one way to practice law *in* a jurisdiction. But, as we set forth below, it is not the only way.

Other courts have addressed the issue of whether an attorney practices law in a jurisdiction even though the attorney was not physically present in that jurisdiction. In *Birbrower, Montalbano, Condon & Frank, P.C. v. Superior Court*, 17 Cal.4th 119, 70 Cal.Rptr.2d 304, 949 P.2d 1, 5–6 (1998), the California Supreme Court analyzed what constituted the practice of law *666 in a jurisdiction by looking at the nature of the legal representation in the jurisdiction, instead of focusing solely on physical presence. In determining what it means to practice law in California, the court considered whether the lawyer had "sufficient contact with the California client to render the nature of the legal services a clear legal representation" and whether the lawyers' contact with California was merely "fortuitous or attenuated." *Id.*, 70 Cal.Rptr.2d 304, 949 P.2d at 5. The court determined that a lawyer "may practice law in the state ... although not physically present here by advising a California client on California law in connection with a California legal dispute by telephone, fax, computer, or other modern technological means." *Id.*, 70 Cal.Rptr.2d 304, 949 P.2d at 5–6; see also *In re Babies*, 315 B.R. 785, 791–93 (Bankr.N.D.Ga.2004) (concluding that attorneys who were physically present in Illinois practiced law in Georgia by representing Georgia clients with respect to a bankruptcy, preparing documents related to that bankruptcy, and communicating with these clients via the telephone and mail).

The reasoning in *Birbrower* is persuasive. Based on that reasoning, we conclude that the Panel did not clearly err by finding that appellant practiced law *in* Minnesota, in violation of Minn. R. Prof. Conduct 5.5(a).¹ Appellant contacted D.R., a Minnesota lawyer, and stated that he represented Minnesota clients in a Minnesota legal dispute. This legal dispute was not interjurisdictional; instead, it involved only Minnesota residents and a debt arising from a judgment entered by a Minnesota court. Appellant instructed D.R. to refer all future correspondence to him, and he continued to engage in correspondence and negotiations with

D.R. over the course of several months. Appellant requested and received financial documents from his Minnesota clients and advised them on their legal options. By multiple e-mails sent over several months, appellant advised Minnesota clients on Minnesota law in connection with a Minnesota legal dispute and attempted to negotiate a resolution of that dispute with a Minnesota attorney. Appellant had a clear, ongoing attorney-client relationship with his Minnesota clients, and his contacts with Minnesota were not fortuitous or attenuated. Thus, there is ample support for the Panel's finding that appellant practiced law in Minnesota.

III.

[4] Next, we turn to appellant's claim that even if the Panel did not err in determining that he was practicing law in *667 Minnesota in violation of Minn. R. Prof. Conduct 5.5(a), his conduct was permitted under one of the exceptions in Minn. R. Prof. Conduct 5.5(c). Appellant argues that Rule 5.5(c)(2) authorized his conduct because he reasonably believed that he would be able to associate with local counsel and be admitted pro hac vice if necessary. Appellant further claims that Rule 5.5(c)(4) authorized his conduct because his in-laws reached out to him for assistance on a matter within his expertise; thus the matter "arose out of [Appellant's] law practice."²

Rule 5.5(c) permits an attorney to practice temporarily in a jurisdiction in which the attorney is not admitted. It states:

A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction which:

....

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in the proceeding or reasonably expects to be so authorized;

...

or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

Minn. R. Prof. Conduct 5.5(c).

Under Minnesota Rules of Professional Conduct 5.5(c)(2), a lawyer admitted in another jurisdiction may provide legal services in Minnesota on a temporary basis if the lawyer's services are reasonably related to a pending or potential proceeding before a tribunal and the lawyer reasonably expects to be authorized by law to appear in the proceeding. Comment 10 explains that a lawyer rendering services in Minnesota on a temporary basis is permitted to engage in conduct in anticipation of a proceeding or hearing in which the lawyer reasonably expects to be admitted pro hac vice. Minn. R. Prof. Conduct 5.5(c)(2) cmt. 10.

Appellant suggests that there was a potential proceeding that could be brought on behalf of his in-laws. Because of this belief, appellant contends Rule 5.5(c)(2) protects him. The Director persuasively argues that appellant knew further litigation was unlikely because a court had already decided the underlying case involving his in-laws, and appellant was simply negotiating a potential debt resolution. In addition, Rule 5.5(c)(2), by its plain language, requires more than an attorney's speculation that the attorney can find local counsel and be admitted to practice pro hac vice. Appellant's e-mail correspondence does not indicate that he took steps to secure local counsel or investigate the possibility of pro hac vice admission. Thus, we conclude there is no support for *668 appellant's claim that his conduct was authorized by Rule 5.5(c)(2).

Under Minnesota Rules of Professional Conduct 5.5(c)(4), a lawyer admitted in another jurisdiction may provide legal services in Minnesota on a temporary basis if the lawyer's services are not covered by paragraphs (c)(2) and (c)(3) and "arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice." Appellant contends that his services arose out of or were reasonably related to his practice in Colorado because the clients are his relatives who "reached out to him for assistance" and appellant's environmental and personal-injury practice involves debt collection.

Comment 14 of Minnesota Rules of Professional Conduct 5.5 provides guidance on this issue. Specifically, comment 14 instructs that several factors may demonstrate that an attorney's temporary legal services in Minnesota reasonably relate to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice ("lawyer's home jurisdiction"), including: whether the client is a resident of or has substantial contacts with the lawyer's home jurisdiction; whether the client has previously been represented by the lawyer; whether a significant aspect of the matter involves the law of the lawyer's home jurisdiction; whether the client's activities or the legal issues involve multiple jurisdictions; or whether the services "draw on the lawyer's recognized expertise developed through the regular practice of law on behalf of clients in matters involving a particular body of federal, nationally-uniform, foreign, or international law." Minn. R. Prof. Conduct 5.5 cmt. 14; *see also* Restatement (Third) of the Law Governing Lawyers, § 3 cmt. e (Am. Law Inst.2000) (stating that a lawyer may provide legal services outside of a home jurisdiction if the services reasonably relate to the lawyer's practice in his or her home jurisdiction and listing factors similar to those in Minn. R. Prof. Conduct 5.5 cmt. 14 for determining if the services reasonably relate to the lawyer's practice in the home jurisdiction, including whether "the legal issues involved are primarily either multistate or federal in nature").

The legal services appellant provided to his in-laws were unrelated to his environmental and personal-injury practice in Colorado. The record establishes that appellant was involved in litigation in Colorado state court, including eight trials in the past 7 years in which collection issues arose,³ and that appellant negotiated the resolution of a debt with an out-of-state creditor on behalf of several Colorado residents. Although Rule 5.5(c) may permit appellant to negotiate with a Colorado client's out-of-state creditor because this representation is reasonably related to appellant's Colorado practice, the facts of this case are substantially different. Appellant's in-laws are not Colorado residents, and appellant had no prior attorney-client relationship with them.

Moreover, appellant's representation of his in-laws did not "arise out of" or "reasonably relate" to his practice in Colorado simply because his in-laws contacted him in Colorado or appellant has done collections work in

Colorado. As the Director notes, appellant's in-laws were not long-standing clients; nor was there any connection between the in-laws' case and the state or laws of Colorado. And while appellant's Colorado practice may involve *669 judgment collections work, nothing in the record establishes that this work was based on a body of federal or nationally uniform law.⁴ To the contrary, appellant's clients were Minnesota residents with a debt that arose in Minnesota that they owed to a Minnesota resident and that was governed by Minnesota law. Accordingly, Rule 5.5(c)(4) does not apply to appellant's conduct.

IV.

[5] [6] [7] [8] Finally, we consider the appropriate discipline for appellant's misconduct. We give great weight to the recommendations of the Panel, but we have "the final responsibility for determining appropriate discipline for violations of the rules of professional conduct". *Panel Case No. 23236*, 728 N.W.2d at 258. We do not impose sanctions in attorney-discipline cases as punishment, but rather we impose sanctions "to protect the public, to protect the judicial system, and to deter future misconduct by the disciplined attorney [and] other attorneys." *In re Rebeau*, 787 N.W.2d 168, 173 (Minn.2010). We impose sanctions according to the unique facts of each case, and "when considering appropriate sanctions for misconduct, we weigh the following factors: (1) the nature of the misconduct, (2) the cumulative weight of the disciplinary violations, (3) the harm to the public, and (4) the harm to the legal profession." *Panel Case No. 23236*, 728 N.W.2d at 258 (citation omitted) (internal quotation marks omitted).

The nature of the misconduct in this case is non-serious. Appellant wrongly believed that he could negotiate a settlement in Minnesota without being licensed to practice law in the state. The cumulative weight of the misconduct is also minimal. Appellant engaged in a series of e-mail communications with one attorney in a single matter involving appellant's family members. In addition, the only harm appellant's clients suffered was a delay in the resolution of their debt because of appellant's actions. Accordingly, a private admonition is the appropriate discipline for appellant.

Affirmed.

ANDERSON, Justice (dissenting).

The court affirms the Panel's determination that appellant violated Rule 5.5(a), which provides that a "lawyer shall not *670 practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction." Minn. R. Prof. Conduct 5.5(a). But as an exception to this rule, a lawyer admitted in another jurisdiction may provide temporary legal services in Minnesota if the services "arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice." Minn. R. Prof. Conduct 5.5(c)(4). The court concludes that Rule 5.5(c)(4) does not apply because the services that appellant provided here—assisting family members with a judgment-collection negotiation—are not "reasonably related" to his practice of law in Colorado. I disagree.

Appellant argues that Rule 5.5(c)(4) applies because his in-law's judgment-collection matter was "reasonably related" to his practice in Colorado, which includes judgment-collection work. Appellant contends that he has experience with judgment collections and that collection work is an integral and necessary part of his litigation practice in Colorado. Upon review of the record, I agree that appellant's temporary provision of legal assistance to his parents-in-law regarding the negotiation of a small collection matter in Minnesota is "reasonably related" to appellant's practice of law in Colorado. Therefore, the exception in Rule 5.5(c)(4) applies, and respectfully, I dissent.

In concluding that appellant's work for his parents-in-law was not "reasonably related" to his practice in Colorado, the court primarily focuses on appellant's practice in the areas of environmental and personal-injury law. But, as the court notes, appellant also has experience with collection work, as reflected in the record. Appellant argues that he has engaged in and developed experience with collection work in his litigation practice. More specifically, appellant testified to the Panel that "collection work" is "an integral part of my litigation practice." He testified that in the past seven years, he has engaged in judgment-collection work and has participated in eight trials in this area of practice. In addition, he demonstrated that, in a single previous month, he had made three filings dealing with judgment collections, which he submitted to the Panel as exhibits.

Based on this record, I would conclude that appellant's assistance with a small judgment-collection negotiation for his parents-in-law, including the emails to D.R., were "reasonably related" to appellant's practice in Colorado, which satisfies Rule 5.5(c)(4). The "reasonably related" exception in Rule 5.5(c)(4) is a *broad*, catch-all exception that is intended to exempt circumstances such as those presented here. Moreover, the familial connection between appellant and his in-laws, and the fact that they contacted appellant in Colorado for assistance, should be an additional consideration that supports a finding that the matter was "reasonably related" to his practice in Colorado under Rule 5.5(c)(4).

The exception established by ABA Model Rule 5.5(c)(4)—which is identical in wording to our Rule 5.5(c)(4)—is described as a "*broad* catch-all" and a "safe harbor" for out-of-state lawyers to engage in temporary practice that is "reasonably related" to the lawyer's home-state practice. Ronald D. Rotunda & John S. Dzienkowski, *Legal Ethics: The Lawyer's Deskbook on Professional Responsibility* § 5.5-2, at 1112 (2016) (emphasis added); see also Am. Bar Ass'n & Bureau of Nat'l Affairs, Inc., *ABA/BNA Lawyer's Manual on Professional Conduct* 21:2110 (2009).

Rule 5.5(c)(4) also closely follows the Restatement, which states: "A lawyer currently admitted to practice in a jurisdiction may provide legal services to a client: ... at a place within a jurisdiction in *671 which the lawyer is not admitted to the extent that the lawyer's activities arise out of or are otherwise reasonably related to the lawyer's practice under Subsection (1) or (2)." Restatement (Third) of the Law Governing Lawyers § 3(3) (Am. Law Inst.2000). One of the comments to this section states that it is "*clearly permissible* for a lawyer from a home-state office to direct communications to persons and organizations in other states (in which the lawyer is not separately admitted), by letter, telephone, telecopier, or other forms of electronic communication." *Id.* at § 3 cmt. e (emphasis added).

As explained in the Restatement, the prior, more restrictive rules governing interstate practice by nonlocal lawyers "were formed at a time when lawyers conducted very little [interstate] practice" and thus "imposed little actual inconvenience." *Id.* By contrast today, "as interstate and international commerce, transportation, and communications have expanded, clients have

increasingly required a truly interstate ... practice by their lawyers.” *Id.* The ABA recognized that rule changes were needed as the frequency and ease of multistate practice increased, supported by electronic communication and remote services (e.g., e-mails, phone and video conferencing, electronic filing). Rotunda & Dzienkowski, *supra*, at 1100–01. In this modern context, lawyers routinely communicate from one jurisdiction with a client located in another jurisdiction. *Id.* at 1101. Thus, the ABA Model Rules “encouraged ... [the removal of] unnecessary restrictions on interstate practice.” *Id.* at 1100–01.

The comments to Rule 5.5(c)(4) provide guidance on whether a “reasonable relationship” exists between the lawyer’s temporary services in Minnesota and the lawyer’s practice in another jurisdiction. *See* Minn. R. Prof. Conduct 5.5 cmt. 13–14. Comment 14 explains that “[a] variety of factors” may evidence such a reasonable relationship. *Id.* at cmt. 14. The examples and factors to consider in comment 14 are not exhaustive, nor are they mandatory. *See id.* (providing examples and factors that “may” or “might” support a reasonable relationship); *see also* Minn. R. Prof. Conduct, Scope cmt. 14 (“Comments do not add obligations to the rules but provide guidance....”). One factor provided in Rule 5.5, comment 14, relates to whether the lawyer’s temporary services draw on the lawyer’s “expertise developed through the regular practice of law” in a particular body of law. Minn. R. Prof. Conduct 5.5 cmt. 14. Here, the record reflects that appellant has developed experience and expertise in the area of judgment collections through his participation in eight trials and multiple filings.

The Director argues that the guidance in comment 14 weighs against applying the Rule 5.5(c)(4) exception because the record does not establish that appellant’s parents-in-law specifically sought appellant for his “recognized expertise ... involving a particular body of federal, nationally-uniform, foreign, or international law.” *See* Minn. R. Prof. Conduct 5.5 cmt. 14. I agree that the record does not meticulously detail the extent to which the law applicable to appellant’s collection practice is “nationally uniform” or the extent to which his experience with collection work is “recognized.” But as discussed above, the explanatory language in the comments is not mandatory or exhaustive—it merely provides *examples* of the types of temporary legal services that may satisfy the broad, “reasonably related” catch-all

exception under Rule 5.5(c)(4). The broad, “reasonably related” requirement and the principles underlying the guidance in comment 14 surely *672 apply here.¹ The record reflects that appellant developed experience and “expertise” with a particular body of law—collections—in at least eight trials over seven years, including three judgment-collection filings within a single month.

In addition, the clients’ relationship to appellant, including their familial connection and the clients’ contacts with appellant in his home state, should be considered in the “reasonable relationship” analysis. The comments to the Restatement advise that, in determining whether an out-of-state lawyer’s activities “reasonably relate” to the lawyer’s practice in a state of admission, “several factors are relevant, including the following: ... [whether the client] is from the lawyer’s home state, has extensive contacts with that state, or *contacted the lawyer there.*” Restatement (Third) of the Law Governing Lawyers § 3 cmt. e (emphasis added). Here, the clients contacted their son-in-law, appellant, in his home state of Colorado.

Additional analogous support is provided in comment 14 to Rule 5.5(c)(4), which states that one factor to consider is whether the “lawyer’s client may have been previously represented by the lawyer.” Minn. R. Prof. Conduct 5.5(c)(4) cmt. 14. Although the record does not indicate whether appellant ever previously represented his parents-in-law, the principle underlying this comment—a relationship of trust and familiarity with the lawyer’s capabilities—is applicable here. The recognition that a sustained lawyer-client relationship would allow an attorney to perform legal work for the client in other jurisdictions, based on confidence and trust, is reflected in the ABA’s recommendation for the proposed Model Rule 5.5. Regarding the exception under Rule 5.5(c)(4), the ABA stated:

[Model Rule 5.5(c)(4)] would respect ... client-lawyer relationships by permitting a client to retain a lawyer to work on multiple related matters, including *some having no connection to the jurisdiction* in which the lawyer is licensed.... [C]lients are better served by having a *sustained relationship with a lawyer or law firm in whom the client has confidence.*

Am. Bar Ass'n, *Client Representation in the 21st Century: Report of the Commission on Multijurisdictional Practice* 30–31 (2002) (emphasis added). The ABA recommendation further explains that in such cases of reasonably related, temporary services under Rule 5.5(c)(4), it is “sufficient to rely on the lawyer's home state as the jurisdiction with the primary responsibility to ensure that the lawyer has the requisite character and fitness to practice law” because the home state “has a substantial interest in ensuring that all aspects of the lawyer's provision of legal services, wherever they occur, are conducted competently and professionally.” *Id.* at 30.

Finally, as a policy matter, the implications of the court's decision are troubling and counterproductive. The ABA Model Rule 5.5(c), as adopted by our state, was *673 intended as a broad catch-all that “represent[s] a bold step towards new latitude in [a] multijurisdictional practice of law,” which accommodates the increasingly mobile and electronic nature of modern, national legal practice. See Rotunda & Dzienkowski, *supra*, at 1100–01, 1112. Today's decision represents a step backwards. By the court's reasoning, when family members or friends—an abundant source of clients—email or call a practitioner admitted in another state, seeking assistance in areas in which the practitioner is experienced and competent, relying on a relationship of trust and confidence, they must be turned away. Those potential clients must then expend unnecessary time and resources to research and hire local counsel—even for minor, temporary services

in which the out-of-state lawyer could have provided efficient, inexpensive, and competent service. Simply put, the court's decision is contrary to the principles and policy goals intended by Rule 5.5(c).

In sum, this case involves clients contacting an attorney, their son-in-law, in his home state of Colorado, to request his assistance regarding a small collection matter—an area that reasonably relates to appellant's expertise and experience in his Colorado litigation practice. Based on the relationship and contacts between the clients, appellant, and appellant's practice of law in Colorado, there is a sufficient “reasonable relationship” here to satisfy the broad, catch-all exception under Rule 5.5(c)(4). For the above reasons, I conclude that appellant did not engage in professional misconduct because the exception in Rule 5.5(c)(4) applies.² Therefore, I would reverse the Panel's decision to admonish appellant. I respectfully dissent.

LILLEHAUG, Justice (dissenting).

I join in the dissent of Justice Anderson.

*674 CHUTICH, Justice (dissenting).

I join in the dissent of Justice Anderson.

All Citations

884 N.W.2d 661

Footnotes

- 1 Clients frequently do business in multiple states, and modern technology makes rapid communication across state borders routine. As a result, many lawyers are involved in multijurisdictional practices. The rule governing the unauthorized practice of law accounts for multijurisdictional practices. It has exceptions that allow lawyers who are not admitted to practice in Minnesota to practice here temporarily in certain circumstances. See Minn. R. Prof. Conduct 5.5(c); see also Rule 9, Rules for Admission to the Bar (addressing temporary house counsel license). If there are concerns that these exceptions do not adequately meet client needs, the better way to address such concerns would be through filing a petition to amend Rule 5.5(c). The same is true for the dissent's claim that Rule 5.5(c) should allow lawyers not licensed to practice law in Minnesota to temporarily represent family members or friends in minor matters involving only Minnesota and Minnesota law. At the same time, lawyers must be cognizant of and respect each state's obligation to enact regulations that ensure the lawyers who represent its citizens are competent to do so. See Minn. R. Prof. Conduct 5.5 cmt. 2 (“Whatever the definition” of the practice of law, “limiting the practice of law to members of the bar protects the public against rendition of legal services by unqualified persons.”).
- 2 At the Panel hearing, appellant argued that Minn. R. Prof. Conduct 5.5(c)(3) authorized his conduct. The Panel addressed Rule 5.5(c)(3) in its findings. In his brief to this court, appellant does not raise Rule 5.5(c)(3). Instead, he argues that Minn. R. Prof. Conduct 5.5(c)(2) and (4) authorized his conduct. It is not clear whether appellant properly preserved his arguments regarding the application of Rule 5.5(c)(2) and (4), because he did not raise them with the Panel. The Director,

however, does not argue that appellant has forfeited these issues, and the Director expressly stated at oral argument that they were properly before us. As a result, we will assume these arguments are properly before us and address them.

3

Three exhibits in the Panel proceeding are appellant's filings in two Colorado state court matters related to judgments for costs and attorney fees that had been entered against his clients.

4

The dissent's reliance on comment 14 to Rule 5.5 to support its claim that appellant's representation of his in-laws was reasonably related to his Colorado practice is misplaced. According to the dissent, the representation was reasonably related to appellant's Colorado practice because "appellant has developed experience and expertise in the area of judgment collections through his participation in eight trials and multiple filings." The dissent acknowledges, however, that the record does not establish that "appellant's collection practice is 'nationally uniform.'" See Minn. R. Prof. Conduct 5.5 cmt. 14 (stating that one of the factors that may demonstrate that a lawyer's temporary legal services in Minnesota reasonably relate to the lawyer's practice in a home jurisdiction is whether the services "draw on the lawyer's recognized expertise developed through the regular practice of law on behalf of clients in matters involving a particular body of federal, nationally-uniform, foreign, or international law"). In fact, the record establishes the opposite. When appellant asked D.R. whether relevant Minnesota law was the same as Colorado law, D.R. indicated that it was not.

Instead, the dissent argues, without citing any legal support for its claim, that the subject on which an attorney has expertise does not need to be nationally uniform in order for legal services provided outside the attorney's home jurisdiction to reasonably relate to the attorney's practice in his or her home jurisdiction. We disagree. Rule 5.5(c) is an exception to the general prohibition on the unauthorized practice of law. By interpreting the exception to apply to expertise in any subject matter, the dissent allows the exception to swallow the general rule.

1

The court argues that I reach this conclusion "without citing any legal support." But comments to the Rules of Professional Conduct "explain [] and illustrate[] the meaning and purpose of the rule[s]." Minn. R. Prof. Conduct Scope cmt. 21. They are "intended as guides to interpretation" and therefore are persuasive when applying the Rules of Professional Conduct to the case at hand. *Id.*

The court is also incorrect that my interpretation "allows the exception to swallow the general rule." This is not so.

The lawyer's services must still be "reasonably related" to the lawyer's practice in the state of admission. Although this exception is broad, it does not encompass subject matters unrelated to the lawyer's practice.


2

In addition, I observe that any violation of Rule 5.5(a) requires reference to other Minnesota laws or rules to determine whether a lawyer practiced "in violation of the regulation of the legal profession." Minn. R. Prof. Conduct 5.5(a). The court's opinion does not cite the substantive "regulation" that appellant violated. The Director cited a statute that prohibits certain types of conduct except by persons admitted and licensed to practice as attorneys in Minnesota. See Minn.Stat. § 481.02, subd. 1 (2014). This statute prohibits several types of conduct, including "by word, sign, letter, or advertisement, [] hold[ing] out ... as being engaged in advising or counseling ... or in furnishing to others the services of a lawyer[,] and "giv[ing] legal advice or counsel [or] perform[ing] for or furnish[ing] to another legal services" for a "fee or any consideration" *Id.* The second type of conduct is inapplicable because appellant did not charge any fee. The first type of conduct, a "holding out" violation, may or may not be applicable based on appellant's email exchanges with D.R., including his statement that he "represent[ed] [his parents-in-law] in all matters related to [the] delinquent account." The panel found that appellant "was—although maybe not paid, he certainly has held out the fact that he represented clients." But there are also persuasive arguments that appellant's conduct was not a "holding out" violation, including, but not limited to, the absence of any communication to the general public.

Although the issue of whether there was an underlying "holding out" violation was not argued by either party and therefore need not be resolved here, there are at least a couple of concerns worthy of comment. First, it is unclear to me whether, ultimately, appellant's emails were actually a violation of the "hold[ing] out" clause according to the meaning and intent of section 481.02, subdivision 1. Second, the Director's charges of unprofessional conduct did not clearly specify that appellant was charged with a violation of the "hold[ing] out" clause of this statute. Instead, the Director summarily referred to the entire statutory provision and described it as prohibiting nonlicensed attorneys from "providing legal services." This lack of specificity may raise due process concerns.

OFFICE OF LAWYERS PROFESSIONAL RESPONSIBILITY
MEMORANDUM

TO: Lawyers Professional Responsibility Board

FROM: Timothy M. Burke 
First Assistant Director

DATE: September 1, 2017

RE: Rule 5.5

I am writing this memorandum on behalf of the Lawyers Professional Responsibility Board Rules Committee for the Board's consideration of proposed changes to Rule 5.5, Minnesota Rules of Professional Conduct (Rule 5.5). The MSBA Rules of Professional Conduct Committee has adopted a resolution that the MSBA General Assembly recommend to the Supreme Court certain amendments to Rule 5.5. This rule generally prohibits a lawyer not admitted to practice in Minnesota from practicing law in Minnesota. The proposed amendments would expand the exceptions to this rule.

Attached to this memorandum for background are the following:

1. May 21, 2017, memorandum from Eric Cooperstein to the MSBA Rules of Professional Conduct Committee identifying and explaining the rationale behind the proposed changes to Rule 5.5, and also including a redlined version of Rule 5.5 with the proposed changes;
2. April 24, 2017, letter from Susan M. Humiston to Michael C. McCarthy (who at that time was chair of the MSBA's Rules of Professional Conduct Committee) discussing concerns with the proposed changes to Rule 5.5; and
3. A listing of each state's current version of Rule 5.5.

What follows for each proposed amendment are a summary of the issue and brief statements of the rationale behind the proposal and concerns about the proposal. It is my hope that this brief summary will assist you in your consideration of these issues.

1. Friends and Family. One of the proposed changes is to add a new subdivision to Rule 5.5 to remove certain relationships from the scope of what would otherwise be considered the unauthorized practice of law. The MSBA Rules Committee proposed adding a new Rule 5.5(e), which reads as follows:

A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that are performed on behalf of a person who has a family, close personal, or prior professional relationship with the lawyer.

The proposed rule is designed to allow a lawyer to provide legal services to people who know the lawyer well but happen to reside in other jurisdictions. Concerns about competency would be resolved by the fact that such people know the lawyer well and therefore could make an informed decision about whether to ask the lawyer for assistance in a matter.

The LPRB Rules Committee is concerned about the "prior professional relationship" language. The LPRB Rules Committee believes that the language "prior professional" relationship is vague and/or ambiguous. The Committee believes it would be appropriate to change this language to "current or former lawyer-client" relationship.

Another concern which has been raised is that the language of the rule as drafted does not limit this exception to temporary practice or to practice not involving appearance before a tribunal or in an alternative dissolution proceeding. Thus, as worded, this rule appears to allow a foreign lawyer to establish a permanent presence in Minnesota to represent friends and family, and appears to allow a foreign lawyer to appear before a Minnesota tribunal or in a Minnesota alternative dispute resolution proceeding on behalf of a friend or relative without becoming admitted *pro hac vice* before the tribunal. To cure this concern, a suggestion has been made (outside the LPRB Rules Committee) to clarify that the legal services must be provided "on a temporary basis" and that any such services "are not within paragraphs (c)(2) and (c)(3)."

2. Snowbird. Another proposed change is to amend Rule 5.5(b) and (d), MRPC, to allow a lawyer to continue to practice the law of the jurisdiction in which the lawyer is licensed when the lawyer relocates to Minnesota. The MSBA Rules

Committee proposed amending Rule 5.5(d), MRPC, so that the rule would read as follows:

A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in Minnesota that exclusively involve federal law or the law of another jurisdiction in which the lawyer is licensed to practice law.

The goal of the proposed amendment is to accommodate events in the life of the lawyer's spouse, such as a job change, the need to be closer to ailing parents, or the like, that require the family to relocate to a different jurisdiction. The perceived risk to the public in these situations is minimal because the lawyer would be continuing to do the same work the lawyer did, simply from a different physical place. The benefit to Minnesota attorneys is that, should the lawyer nevertheless be disciplined in the other jurisdiction for engaging in the unauthorized practice of law, the lawyer would not be subject to reciprocal discipline in Minnesota.

The Director's Office and the LPRB Rules Committee are concerned that while this rule may allow a lawyer to relocate to Minnesota to practice the law of the lawyer's home jurisdiction, it does not benefit or protect from discipline Minnesota lawyers who wish to relocate to another jurisdiction to practice Minnesota law, such as lawyers who winter or retire to a sunbelt state. Actions in those other states would be regulated by each particular state. The LPRB Rules Committee is also concerned that this exception may allow a foreign lawyer to move to Minnesota and establish a presence here despite not being licensed here.

The Director is also concerned that this proposed amendment omits an important public protection component. Jurisdictions which have adopted similar rules have also required the lawyer to advise the client that the lawyer is not admitted to practice in the state in which the lawyer resides and must receive the client's informed consent to representation. This appears to be an important consumer protection aspect of the rule which is omitted in the MSBA Rules Committee's proposed amendment.

3. Reasonably Related. The final proposed change is to amend Rule 5.5(c)(4), MRPC, to expand the exception to the unauthorized practice of law regulation by

expanding the definition of what services are “reasonably related” to the lawyer’s practice in the lawyer’s home jurisdiction. The MSBA Rules Committee proposed amending Rule 5.5(c)(4), MRPC, so that it would read as follows:

A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

* * *

Are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer’s practice in a jurisdiction in which the lawyer is admitted to practice. Such reasonably-related services include services which are within the lawyer’s regular field or fields of practice in a jurisdiction in which the lawyer is licensed to practice law.

Importantly, this proposed amendment eliminates the comment to the rule defining reasonably-related services as those “involving a particular body of federal, nationally-uniform, foreign, or international law.” (Rule 5.5, MRPC, Comment 14.)

The proposal is based on a notion that prudent and competent lawyers recognize the scope of “reasonably related” as those areas that are within a lawyer’s regular field or fields of practice. A lawyer’s expertise in a particular area is a sufficient basis for the lawyer to practice in that area in another jurisdiction, because the lawyer, even if she does not know the substantive law of that jurisdiction, will by virtue of that expertise be able to identify the appropriate issues and raise the appropriate questions.

The LPRB Rules Committee and the Director believe that maintaining the language currently in the rule and comment to the rule best protect the public. The Committee is quite concerned that this amendment will allow lawyers to practice in an area of law in a jurisdiction in which the lawyer knows nothing about the law. For example, the lawyer may be well-versed in areas such as family law or landlord/tenant law in the lawyer’s own jurisdiction. The law in these substantive areas, however, can vary widely between different jurisdictions. The fact that a lawyer knows the substantive

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law in one jurisdiction provides no assurance that the lawyer will know the substantive law, or identify the relevant issues in that area of law, in another jurisdiction. Although a person may know a lawyer and believe that lawyer is competent, the person will have no ability to assess the lawyer's ability to competently represent in that area of law in a different jurisdiction. Therefore, no amendment to the rule or comment is appropriate.

jmc
Attachments

MEMORANDUM

To: MSBA Rules of Professional Conduct Committee
From: Eric Cooperstein, on behalf of Rule 5.5 Subcommittee
Date: May 21, 2017
Re: **Amendments to Rule 5.5, Minnesota Rules of Professional Conduct (MRPC)**

This memo, updated after initial discussions at the March 28 and April 25, 2017 MSBA Rules of Professional Conduct Committee meetings, details three subcommittee proposals to amend Rule 5.5, all of which were approved by the RPC committee at its April 25, 2017 meeting. As an overview:

- The amendment to Rule 5.5(c)(4) is intended to respond directly to the Court's invitation in *In re Panel File 39302*, 884 N.W.2d 661 (Minn. 2016) to amend and expand that rule to better reflect the bar's understanding of the meaning of fields of practice that are "reasonably related" to a lawyer's practice in a jurisdiction in which the lawyer is licensed.
- Proposed new section 5.5(e) is intended to remove certain client relationships from the purview of Rule 5.5—including current and former clients, family members, close friends, and other professional relationships-- to both reflect the common current practices of lawyers and allow client selection of lawyers and client trust to take priority over the geographic restrictions that may otherwise be imposed by Rule 5.5.
- The proposed amendments to Rule 5.5(b) and (d) are intended to allow lawyers to continue to practice the law of the jurisdictions in which they are licensed when they relocate to Minnesota. This proposal follows recent similar amendments in Arizona and New Hampshire.

Each of the suggested amendments is explained below, followed by a full text, redline version of the Rule. The amendments are all offered in the context of trying to ensure that Rule 5.5 is not interpreted to proscribe conduct that would otherwise be thought of by the practicing bar as "what good lawyers do."

I. Background.

In August, the Minnesota Supreme Court decided a private admonition appeal, *In re Panel File 39302*, 884 N.W.2d 661 (Minn. 2016). The case concerned a Colorado lawyer, not admitted in Minnesota, who was contacted by his mother and father-in-law regarding efforts to collect a judgment from them. The in-laws were Minnesota

residents and the opposing party, the underlying lawsuit, and the opposing party's counsel were all in Minnesota.

The Colorado lawyer agreed to help his in-laws negotiate a resolution. The Colorado lawyer, from his office in Colorado, exchanged about two dozen e-mails with the opposing party's Minnesota lawyer over a three-month period. The Minnesota lawyer became frustrated with the process and filed an ethics complaint against him with the Minnesota Office of Lawyers Professional Responsibility (OLPR). OLPR issued the lawyer a private admonition for violating Rule 5.5 by practicing law in Minnesota. The Colorado lawyer appealed to a three-person panel of the Lawyers Professional Responsibility Board (LPRB). After a hearing, the Panel affirmed the admonition, focusing predominately on the location of the parties to the matter. I represented the Colorado lawyer in an appeal to the Minnesota Supreme Court.

Two primary issues were presented to the Court: 1) whether a lawyer practices "in" a jurisdiction by sending e-mails to a lawyer in that jurisdiction and 2) whether the Colorado lawyer's conduct was permitted under the "temporary practice" provision of Rule 5.5(c)(4), which allows a lawyer to practice temporarily in a jurisdiction if the legal services provided "arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice."

The Court ruled, 4-3, that the Colorado lawyer had engaged in the unauthorized practice of law in Minnesota. The Court stated that a lawyer could practice in a jurisdiction solely by sending e-mail communications to someone in that jurisdiction. The Court relied heavily on dicta in a 1998 California decision, *In re Birbrower, Montalbano, Condon & Frank, P.C. v. Superior Court*, 949 P.2d 1 (Cal. 1998), a fee dispute in which both physical and virtual presence in California were at issue. Ironically, *Birbrower* inspired significant changes to Rule 5.5 of the Model Rules of Professional Conduct, which changes were mostly adopted in Minnesota in 2005.

The Court also ruled that the Colorado lawyer's conduct was not permitted by Rule 5.5(c)(4) because although the lawyer did some collections work, that work was not part of a "particular body of federal, nationally-uniform, foreign, or international law. See Rule 5.5, cmt. 14. Hence, the Court determined that the representation of his in-laws was not "reasonably related" to his practice in Colorado. The Court stated in a footnote, however, that "If there are concerns that these [Rule 5.5(c)] exceptions do not adequately meet client needs, the better way to address such concerns would be through filing a petition to amend Rule 5.5(c)."

II. Rationale for Seeking Amendments to Rule 5.5.

Rule 5.5, which mostly follows the ABA Model Rule, presently enforces geographic restrictions on the practice of law. In the years since the present version of the rule was adopted in 2005, lawyers and clients have become increasingly mobile. Both lawyers' practices and their clients' legal matters routinely cross state lines. *Panel File 39302* highlights some of the unintended consequences of the present rule and draws

attention to how confusing it may be for lawyers to determine whether their conduct runs afoul of the rule.

For example, although the Minnesota Supreme Court has broadly defined when a lawyer may be practicing “in” a jurisdiction under Rule 5.5(a), the provisions of 5.5(c) are intended to allow a lawyer to practice “on a temporary basis” in a jurisdiction in which the lawyer is not licensed. The present rule leaves several questions unanswered:

- A MN lawyer represents a MN corporate client for many years. The client moves its main operations to another state where the lawyer is not licensed. Rule 5.5(c)(4) allows the lawyer to continue to represent the client, including meeting with the client in the other state, conducting transactions for and advising client, communicating with the client by phone and e-mail, etc. The legal work is essentially the same work that the lawyer performed while the client was in MN. However, the exception in 5.5(c)(4) applies only on a temporary basis. May the lawyer continue representing the lawyer indefinitely? If not, how long will the “temporary exception” apply? What interest would be protected by forcing the lawyer to cease representing the client?
- A MN lawyer with an office in MN purchases a home outside MN, such as in Hudson, Wisconsin or Fargo, North Dakota. The lawyer finds that he or she is more productive working from home on occasion. Working at home on a temporary basis would be permitted by Rule 5.5(c)(4). How many days a week may a lawyer work from home and still fall within rule 5.5(c)(4), rather than the prohibition in Rule 5.5(b) on establishing a “systematic and continuous presence” in a jurisdiction in which the lawyer is not licensed? A similar problem confronts lawyers who want to spend winters in other jurisdictions but continue working remotely during their time away.
- A MN lawyer represents several long-time MN clients in a variety of matters. The lawyer’s spouse obtains a “dream job” in another jurisdiction. The lawyer could easily continue all of the work for the MN clients from outside the state, except for the prohibition in Rule 5.5(b) on establishing a “systematic and continuous presence” in a jurisdiction in which the lawyer is not licensed.

Note that for each of these examples, the issue could be presented in the opposite way, i.e. when a lawyer licensed in another state encounters one of these situations. The proposed amendments below would protect non-Minnesota lawyers from discipline by the Minnesota Office of Lawyers Professional Responsibility (OLPR); those lawyers could conceivably violate rules in their own states. Conversely, Rule 5.5(a) includes a safe harbor that states that a Minnesota lawyer does not violate the rule if his or her conduct in another jurisdiction conforms to what would be permissible for a lawyer licensed in another state who conducts business in Minnesota. Hence, these Rule amendments will protect Minnesota lawyers from

Minnesota discipline, even if another jurisdiction attempted to take disciplinary action against the Minnesota lawyer.

III. Proposed Amendments

A. Clarification of “reasonably related” in Rule 5.5(c)(4).

As noted above, Rule 5.5(c)(4) provides an exception that allows lawyers to practice in another jurisdiction temporarily, if the legal services “arise out of or are reasonably related to the lawyer’s practice” in a jurisdiction in which the lawyer is licensed. In 39302, the Minnesota Supreme Court interpreted the scope of the term “reasonably related” by relying on a portion of a comment to Rule 5.5 that limits the reach of the exception to legal services that are part of a “particular body of federal, nationally-uniform, foreign, or international law. *See* Rule 5.5, cmt. 14. As noted above, the Court invited an amendment to Rule 5.5(c).

“Reasonably” is defined in the MRPC as describing “the conduct of a reasonably prudent and competent lawyer.” Rule 1.0(i), R. Prof. Conduct. The proposed amendment is intended to codify what the subcommittee believes that prudent and competent lawyers currently recognize as the scope of what is “reasonably related” to their practices: those areas that are within the lawyer’s regular field or fields of practice. A lawyer’s expertise in an particular area, whether it be shopping-center leases, nonprofit financing, transgender rights, restaurant franchises, etc., may attract clients regionally or nationally even where the practice area is not subject to a nationally uniform or federal body of law. Clients may seek out lawyers for this expertise and the public is well-served by allowing clients to hire lawyers with subject-matter expertise that suits the client’s matter. A lawyer’s expertise, gained through regular practice in a field of law provides reasonable assurance of client protection in a temporary practice context.

During the subcommittee’s discussions, several committee members described their experiences with prudent and competent lawyers who have been offering services in their fields of practice across state borders on a regular basis. Such conduct was noted in the practices of large firms, corporate law departments, small boutique firms, and others.

The subcommittee, with one dissent, believes that people in Minnesota will be better served and protected by being able to choose among lawyers who regularly practice in a field of law, even without a Minnesota license, rather than by a lawyer who is licensed in Minnesota but has very little experience in the field of practice relevant to the client’s matter. The growing complexity of law often makes field of law a better indicator of competence than local licensure. Current comment 14 to Rule 5.5 recognizes “nationally-uniform” law as “reasonably related.” Many areas of law could be termed “nationally-similar,” without being uniform. For example, the ABA Model Rules of Conduct have been adopted in almost all states, but Minnesota, like many states, has variations that make the law marginally less than “uniform.” A Minnesota resident with issues relating to these Rules would be well-served by retaining, for

example, Geoffrey Hazzard or Ronald Rotunda – both nationally-recognized ethics experts, who do not have Minnesota licenses.

The proposed amendment finds support in the 39302 dissent. The 39302 dissent, discussing the appropriate scope of Rule 5.5(c)(4), stated, “One factor provided in Rule 5.5, comment 14, relates to whether the lawyer’s temporary services draw on the lawyer’s ‘expertise developed through the regular practice of law.’” To the extent that Rule 5.5 seeks to protect the public by ensuring competence, experience that arises from a lawyer’s regular practice is more likely to accomplish that goal than a lawyer who has little experience in a federal or “nationally-uniform” area of law. Trying to determine what characteristics of a body of law make it “nationally-uniform” but still distinct from federal law would perpetuate uncertainty about when lawyers fall within the protection of Rule 5.5(c)(4).

The proposed amendment uses the term “field or fields of practice.” This term has been used in Rule 7.4 for over thirty years, without any reported difficulty in definition or enforcement.

During the subcommittee meetings, Pat Burns expressed his personal reservations that the amendment was too broad in its expansion of the rule and his concerns regarding how the Director’s Office would determine what a lawyer’s “regular” fields of practice include. Director Susan Humiston has written a letter to RPC committee chair Michael McCarthy, expressing disagreement with several aspects of the proposed amendments. Those arguments are discussed in Section IV, below.

Along with the proposed amendment, we recommend amending comment 14 by deleting a phrase from the final sentence, as follows: “In addition, the services may draw on the lawyer’s recognized expertise developed through the regular practice of law on behalf of clients ~~in matters involving a particular body of federal, nationally-uniform, foreign, or international law.~~” Rule 5.5 cmt. 14 (cmt. 15 as renumbered below). This is intended to avoid confusion between the amended rule and the comment.

B. New section 5.5(e): representation of relatives and other personal referrals.

This new section is intended to directly address the *Panel 39302* decision and other potential problems related to the continuous (as opposed to temporary) representation of current or former clients that are located in other jurisdictions. The proposal would add a new provision allowing a lawyer to perform legal services in a jurisdiction if the services:

are performed on behalf of a person who has a family, close personal, or prior professional relationship with the lawyer.

This amendment accomplishes two purposes. First, it addresses the conundrum in 39302 that the present language of the rule provides no mechanism by which lawyers may provide legal services to family members and friends who happen to reside in other jurisdictions and where the subject matter of the legal issue is not within the

lawyer's usual field of practice. The subcommittee believes that there are many situations in which family members and close friends would turn to a lawyer with whom they have a personal relationship to seek assistance in a legal matter rather than be forced to hire a stranger in their own jurisdiction. This could apply, for example, to a lawyer whose child had a dispute in another jurisdiction with a landlord or a lawyer whose aged parent had a dispute regarding the care provided by a nursing home. In these situations, there is little or no risk of harm to the public of the lawyer conducting the representation because the lawyer is well-known to the client, even if the lawyer has not previously represented that person and even if the lawyer does not have experience in that area of the law.

Second, this amendment would address the scenarios discussed above in which lawyers seek to continue work for clients who have relocated to other jurisdictions or who themselves seek to work from homes in bordering jurisdictions or take extended vacations in other jurisdictions. It is in the public interest to allow clients, including Minnesota clients, to continue working with their lawyers despite changes in the lawyers' geographic locations.

The amendment follows the Court's footnote suggestion that it might entertain a petition to expand the coverage of Rule 5.5(c). In reviewing the rules, the subcommittee determined that the clearest amendment would remove certain trusted relationships from the prohibitions of Rule 5.5(a) entirely. The language "family, close personal, or prior professional relationship" is taken from Rule 7.3, which allows direct solicitation of legal business from persons in those categories, also under the theory that there is little risk of abuse in those situations. The language of Rule 7.3 has been in place for several decades and has not presented enforcement problems for OLPR. A new comment 16 addresses the new language.

C. Amendments to Rules 5.5(b) and (d) to allow a lawyer to continue to serve existing clients from another jurisdiction.

Although not raised directly by 39302, the issues surrounding when lawyers may practice in other jurisdictions provides an appropriate occasion for Minnesota to consider following the efforts of Arizona and New Hampshire to relax the prohibitions in Rule 5.5(b) against establishing offices in other jurisdictions where the lawyer would only practice the law of the jurisdiction in which the lawyer is licensed.

The amendments would allow a lawyer to move to another state but continue representing clients from the lawyer's licensed state. This is important, for example, when a lawyer moves to another jurisdiction because of a spouse's new job, to be closer to ailing parents, etc. The risk to the public in these situations is very small because the lawyer is simply continuing to do the exact same work that the lawyer did before, just from a different location. Much like the existing exemption in Rule 5.5(d) for lawyers who practice Federal law, such as immigration, this amendment would allow lawyers from other jurisdictions to practice only the law of that jurisdiction. Because the lawyer may not hold out as being licensed in the new jurisdiction, the

lawyer therefore does not compete with the lawyers licensed in the new jurisdiction for clients with matters related to the law of that jurisdiction.

These amendments are found in Rule 5.5(b) and (d) and new comment 5 in the attached version of Rule 5.5. The amendments follow the structure of the rule in Arizona, with the exception that the amendments do not adopt Arizona's provision that the lawyer must advise "the lawyer's client that the lawyer is not admitted to practice in Arizona, and must obtain the client's informed consent to such representation." Minnesota did not adopt these provisions in the 2005 amendments, including Rule 5.5(c). It would be inconsistent to adopt these notice and consent provisions only for the amendments that are now proposed. New Hampshire adopted slightly different amendments in October 2016 that implement the same policy change.

IV. Response to OLPR Director Humiston's Substantive Concerns

In her April 24, 2017 letter to RPC Committee chair Michael McCarthy, Ms. Humiston raises several concerns that merit additional discussion.

Regarding the proposed amendment to Rule 5.5(c)(4) (fields of practice), the Director notes that the majority opinion in *Panel File 39302* rejected the dissent's argument that a field of practice need not be nationally-uniform to qualify as "reasonably related." The Director suggests that the proposed amendment is a "nonstarter" for a majority of the Court. We believe that the Court was interpreting the rule as written to the facts before the Court. The Court's footnote invited amendments and we believe the Court will be open-minded in considering the concerns of the practicing bar.

The Director letter states that the proposed amendments would benefit lawyers in other states, but expresses doubt that the amendments will benefit Minnesota lawyers while increasing risk to Minnesota consumers of legal services. The Director may have overlooked that the safe-harbor provision in Rule 5.5(a) protects Minnesota lawyers from discipline in Minnesota. The amendments, by clarifying the scope of Rule 5.5, protect Minnesota lawyers. Moreover, the amendments benefit Minnesota consumers of legal service, by increasing their range of choices of counsel without exposing them to the primary danger that unauthorized practice regulation seeks to prevent – incompetent representation. If there are harms to consumers arising from these proposed amendments the Director's letter does not identify them.

Ms. Humiston's letter states that the amendments would "enhance a conundrum that already exists in Minnesota for non-Minnesota lawyers, because Minn. Stat. § 481.02, subdiv. 1, would currently prohibit the conduct even if Rule 5.5 would allow it." The subcommittee does not believe there is a "conundrum." If this concern had substance, it would have weighed against the adoption of Rule 5.5(c), in 2005. We are similarly unaware of any policy by the Director's Office to refuse to apply Rule 5.5(c) because of a conflict with § 481.02. The Minnesota Supreme Court has long held that it, rather than the Legislature, has the ultimate authority to define the unauthorized practice of law. *Cardinal v. Merrill Lynch Realty/Burnet, Inc.*, 433 N.W.2d

864, 867 (Minn. 1988), *citing Cowern v. Nelson*, 207 Minn. 642, 647, 290 N.W. 795, 797 (1940). Although Minn. Stat. § 481.02 was mentioned by Justice Lillehaug in the oral argument in 39302, the Court did not address it in their opinion.

The Director's letter states that other states are already less permissive in multi-jurisdictional practice rules than Minnesota, citing as an example a North Carolina rule. Our intent has been to enhance benefits to Minnesota clients, by increasing their choices of counsel, without increasing their risk. That some other states have stricter rules does not indicate that the restrictions were adopted to benefit the public, rather than to protect local lawyers' interests.

**RULE 5.5: UNAUTHORIZED PRACTICE OF LAW;
MULTIJURISDICTIONAL PRACTICE OF LAW**

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so, except that a lawyer admitted to practice in Minnesota does not violate this rule by conduct in another jurisdiction that is permitted in Minnesota under Rule 5.5 (c), ~~and (d)~~, and (e) for lawyers not admitted to practice in Minnesota.

(b) A lawyer who is not admitted to practice in ~~this jurisdiction~~ Minnesota shall not:

- (1) except as authorized by these rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of Minnesota law; or
- (2) hold out to the public or otherwise represent that the lawyer is admitted to practice Minnesota law ~~this jurisdiction~~.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

- (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;
- (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in the proceeding or reasonably expects to be so authorized;
- (3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or
- (4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice. Such reasonably-related services include services which are within the lawyer's regular field or fields of practice in a jurisdiction in which the lawyer is licensed to practice law.

d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in ~~this jurisdiction~~ Minnesota that are services that the lawyer is authorized to provide ~~by~~ exclusively involve federal law or the other law of ~~this~~ another jurisdiction in which the lawyer is licensed to practice law.

(e) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that are performed on behalf of a person who has a family, close personal, or prior professional relationship with the lawyer.

Comment

[1] A lawyer may practice law only in a jurisdiction in which the lawyer is authorized to practice. A lawyer may be admitted to practice law in a jurisdiction on a regular basis or may be authorized by court rule or order or by law to practice for a limited purpose or on a restricted basis. Paragraph (a) applies to unauthorized practice of law by a lawyer, whether through the lawyer's direct action or by the lawyer assisting another person. The exception is intended to permit a Minnesota lawyer, without violating this rule, to engage in practice in another jurisdiction as Rule 5.5 (c) and (d) permit a lawyer admitted to practice in another jurisdiction to engage in practice in Minnesota. A lawyer who does so in another jurisdiction in violation of its law or rules may be subject to discipline or other sanctions in that jurisdiction.

[2] The definition of the practice of law is established by law and varies from one jurisdiction to another. Whatever the definition, limiting the practice of law to members of the bar protects the public against rendition of legal services by unqualified persons. This rule does not prohibit a lawyer from employing the services of paraprofessionals and delegating functions to them, so long as the lawyer supervises the delegated work and retains responsibility for their work. See Rule 5.3.

[3] A lawyer may provide professional advice and instruction to nonlawyers whose employment requires knowledge of the law; for example, claims adjusters, employees of financial or commercial institutions, social workers, accountants, and persons employed in government agencies. Lawyers also may assist independent nonlawyers, such as paraprofessionals, who are authorized by the law of a jurisdiction to provide particular law-related services. In addition, a lawyer may counsel nonlawyers who wish to proceed pro se.

[4] Other than as authorized by law or this rule, a lawyer who is not admitted to practice generally in this jurisdiction violates paragraph (b) if the lawyer establishes an office or other systematic and continuous presence in this jurisdiction for the general practice of the law of this jurisdiction. Presence may be systematic and continuous even if the lawyer is not physically present here. Such a lawyer must not hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction. See also Rules 7.1 and 7.5(b).

[5] Prior versions of Rule 5.5 and prior interpretations of the Rule assumed that attorneys practice in fixed physical offices and only deal with legal issues related to the States in which their offices are located. The increased mobility of attorneys, and, in particular, the ability of attorneys to continue to communicate with and represent their clients from anywhere in the world, are circumstances that were never contemplated by the Rule. The adoption of Rules 5.5(b) and (c) in 2005 reflected the State's growing recognition that multi-jurisdictional practice is a modern reality that must be accommodated by the Rules.

The assumption that a lawyer must be licensed in Minnesota simply because he or she happens to be present in Minnesota no longer makes sense in all instances. Rather than focusing on where a lawyer is physically located, Minnesota's modifications of Rule 5.5(b)(1) and Rule 5.5(d) clarify that a lawyer who is licensed in

another jurisdiction but does not practice Minnesota law need not obtain a Minnesota license to practice law solely because the lawyer is present in Minnesota.

Notwithstanding the Minnesota amendments to Rule 5.5(b)(1) and (2) and Rule 5.5(d)(2), Rule 8.5(a) still provides that a lawyer who is admitted in another jurisdiction, but not in Minnesota, "is also subject to the disciplinary authority of ... [Minnesota] if the lawyer provides or offers to provide any legal services in" Minnesota. In particular, such a lawyer will be subject to the provisions of Rules 7.1 through 7.5 regarding the disclosure of the jurisdictional limitations of the lawyer's practice. In addition, Rule 5.5(b)(2) continues to prohibit such a lawyer from holding out to the public or otherwise representing that the lawyer is admitted to practice Minnesota law.

[56] There are occasions in which a lawyer admitted to practice in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction under circumstances that do not create an unreasonable risk to the interests of their clients, the public, or the courts. Paragraph (c) identifies four such circumstances. The fact that conduct is not so identified does not imply that the conduct is or is not authorized. With the exception of paragraph (d), this rule does not authorize a lawyer to establish an office or other systematic and continuous presence in this jurisdiction without being admitted to practice generally here.

[67] There is no single test to determine whether a lawyer's services are provided on a "temporary basis" in this jurisdiction, and may therefore be permissible under paragraph (c). Services may be "temporary" even though the lawyer provides services in this jurisdiction on a recurring basis or for an extended period of time, as when the lawyer is representing a client in a single lengthy negotiation or litigation.

[78] Paragraphs (c) and (d) apply to lawyers who are admitted to practice law in any United States jurisdiction, which includes the District of Columbia, and any state, territory, or commonwealth of the United States. The word "admitted" in paragraph (c) contemplates that the lawyer is authorized to practice in the jurisdiction in which the lawyer is admitted and excludes a lawyer who while technically admitted is not authorized to practice because, for example, the lawyer is on inactive status.

[89] Paragraph (c)(1) recognizes that the interests of clients and the public are protected if a lawyer admitted only in another jurisdiction associates with a lawyer licensed to practice in this jurisdiction. For this paragraph to apply, however, the lawyer admitted to practice in this jurisdiction must actively participate in and share responsibility for the representation of the client.

[910] Lawyers not admitted to practice generally in a jurisdiction may be authorized by law or order of a tribunal or an administrative agency to appear before the tribunal or agency. This authority may be granted pursuant to formal rules governing admission pro hac vice or pursuant to informal practice of the tribunal or agency. Under paragraph (c)(2), a lawyer does not violate this rule when the lawyer appears before a tribunal or agency pursuant to such authority. To the extent that a court rule or other law of this jurisdiction requires a lawyer who is not admitted to practice in this jurisdiction to obtain admission pro hac vice before appearing before a tribunal or administrative agency, this rule requires the lawyer to obtain that authority.

[110] Paragraph (c)(2) also provides that a lawyer rendering services in this jurisdiction on a temporary basis does not violate this rule when the lawyer engages in conduct in anticipation of a proceeding or hearing in a jurisdiction in which the lawyer is authorized to practice law or in which the lawyer reasonably expects to be admitted pro hac vice. Examples of such

conduct include meetings with the client, interviews of potential witnesses, and the review of documents. Similarly, a lawyer admitted only in another jurisdiction may engage in conduct temporarily in this jurisdiction in connection with pending litigation in another jurisdiction in which the lawyer is or reasonably expects to be authorized to appear, including taking depositions in this jurisdiction.

[124] When a lawyer has been or reasonably expects to be admitted to appear before a court or administrative agency, paragraph (c)(2) also permits conduct by lawyers who are associated with that lawyer in the matter, but who do not expect to appear before the court or administrative agency. For example, subordinate lawyers may conduct research, review documents, and attend meetings with witnesses in support of the lawyer responsible for the litigation.

[123] Paragraph (c)(3) permits a lawyer admitted to practice law in another jurisdiction to perform services on a temporary basis in this jurisdiction if those services are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice. The lawyer, however, must obtain admission pro hac vice in the case of a court-annexed arbitration or mediation or otherwise if court rules or law so require.

[1314] Paragraph (c)(4) permits a lawyer admitted in another jurisdiction to provide certain legal services on a temporary basis in this jurisdiction that arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted but are not within paragraphs (c)(2) or (c)(3). These services include both legal services and services that nonlawyers may perform but that are considered the practice of law when performed by lawyers.

[1415] Paragraphs (c)(3) and (c)(4) require that the services arise out of or be reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted. A variety of factors evidence such a relationship. The lawyer's client may have been previously represented by the lawyer, or may be resident in or have substantial contacts with the jurisdiction in which the lawyer is admitted. The matter, although involving other jurisdictions, may have a significant connection with that jurisdiction. In other cases, significant aspects of the lawyer's work might be conducted in that jurisdiction or a significant aspect of the matter may involve the law of that jurisdiction. The necessary relationship might arise when the client's activities or the legal issues involve multiple jurisdictions, such as when the officers of a multinational corporation survey potential business sites and seek the services of their lawyer in assessing the relative merits of each. In addition, the services may draw on the lawyer's recognized expertise developed through the regular practice of law on behalf of clients in matters involving a particular body of federal, nationally uniform, foreign, or international law.

[16] Paragraph (e) recognizes that lawyers are often sought out by former clients, family members, personal friends, and other professional relationships for legal advice and assistance, even though the person is domiciled in a jurisdiction in which the lawyer is not licensed. The risk of harm to the public in such situations is very low and is outweighed by the value inherent in clients being able to choose lawyers they trust.

[1517] Paragraph (d) identifies a circumstance in which a lawyer who is admitted to practice in another United States jurisdiction, and is not disbarred or suspended from practice in any jurisdiction, may establish an office or other systematic and continuous presence in this jurisdiction for the practice of law as well as provide legal services on a temporary basis. Except as provided in paragraph (d), a lawyer who is admitted to practice law in another

jurisdiction and who establishes an office or other systematic or continuous presence in this jurisdiction must become admitted to practice law generally in this jurisdiction.

[1618] Paragraph (d) recognizes that a lawyer may provide legal services in a jurisdiction in which the lawyer is not licensed when authorized to do so by federal or other law, which includes statute, court rule, executive regulation, or judicial precedent.

[1719] A lawyer who practices law in this jurisdiction pursuant to paragraphs (c) or (d) or otherwise is subject to the disciplinary authority of this jurisdiction. See Rule 8.5(a).

[1820] In some circumstances, a lawyer who practices law in this jurisdiction pursuant to paragraphs (c) or (d) may have to inform the client that the lawyer is not licensed to practice law in this jurisdiction. For example, such notice may be required when the representation occurs primarily in this jurisdiction and requires knowledge of the law of this jurisdiction. See Rule 1.4(b).

[1921] Paragraphs (c) and (d) do not authorize communications advertising legal services to prospective clients in this jurisdiction by lawyers who are admitted to practice in other jurisdictions. Whether and how lawyers may communicate the availability of their services to prospective clients in this jurisdiction is governed by Rules 7.1 to 7.5.

[2022] In some circumstances, a lawyer who practices law in this jurisdiction pursuant to paragraphs (c) or (d) may have to inform the client that the lawyer is not licensed to practice law in this jurisdiction. For example, such notice may be required when the representation occurs primarily in this jurisdiction and requires knowledge of the law of this jurisdiction. See Rule 1.4(b). An attorney who is not licensed in Minnesota but who limits his or her practice in Minnesota to federal law or the law of another jurisdiction in which the lawyer is licensed pursuant to Rule 5.5(d), must note the lawyer's jurisdictional limitations when identifying the lawyer on letterhead, on a website, or in other manners. See Rule 7.5(b).

[2123] Paragraphs (c) and (d) do not authorize communications advertising legal services to prospective clients in this jurisdiction by lawyers who are admitted to practice in other jurisdictions. Whether and how lawyers may communicate the availability of their services to prospective clients in this jurisdiction is governed by Rules 7.1 to 7.5.

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April 24, 2017

Mr. Michael C. McCarthy
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90 South Seventh Street
Minneapolis, MN 55402

VIA U.S. MAIL AND EMAIL
mike.mccarthy@maslon.com

Re: Proposed Rule 5.5 Amendments

Dear Mr. McCarthy:

I understand from Pat Burns that the MSBA Rules of Professional Conduct Committee wishes to hear from me personally whether statements I made in an October 2016 *Bench & Bar* article support the proposed subcommittee amendment to Rule 5.5(c)(4), MRPC.

As Pat has already reported, I do not believe my statements can or should be read to support the committee's proposed amendment, and I am happy to comment further on the reasons why.

The first reference cited from my article is actually drawn directly from the 2002 ABA Report 201B discussing the intent behind and proposed scope of the current iteration of Rule 5.5(c)(4), as is evidenced by the footnote reference that immediately follows the text cited by Mr. Cooperstein. The relevant paragraph from the 2002 report that I was referring to states, in part:

Third, this provision [Rule 5.5(c)(4)] would authorize legal services to be provided on a temporary basis outside the lawyer's home state by a lawyer who, through the course of regular practice in the lawyer's home state, has developed a recognized expertise in a body of law that is applicable to the client's particular matter. This could include expertise regarding nationally applicable bodies of law, such as federal, international or foreign law. A client has an interest in retaining a specialist in federal tax, securities or antitrust law, or the law of a foreign jurisdiction, regardless of where the lawyer has been admitted to practice law.

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ABA Commission on Multijurisdictional Practice, Report to the House of Delegates ("Report 201B"), 2002 at 8. As the Comments to Rule 5.5(c) make clear, the "regular practice" language has usually been read to refer to nationally-uniform bodies of law, as the Minnesota Supreme Court held in its recent decision.

The second reference from the article cited was just my attempt to identify times when practitioners are at greatest risk to engage in UPL, so as to get them thinking about their practice and what they are doing, not to suggest a different interpretation of the rule than provided by the Court.

One of the most troubling things to me about the proposed Rule 5.5(c)(4) amendment arguably designed to "clarify" the rule is that it appears to be an attempt to codify an interpretation of the language that has already been expressly rejected by the majority of the Minnesota Supreme Court, something that is not mentioned anywhere in the memorandum. The Court could have easily interpreted the present text of Rule 5.5(c)(4)—arise out of or reasonably related to the lawyer's practice—to include any areas where an attorney has developed expertise (as advocated by the dissent) but it expressly refused to do so:

Instead, the dissent argues, without citing any legal support for its claim, that the subject on which an attorney has expertise does not need to be nationally uniform in order for legal services provided outside the attorney's home jurisdiction to reasonably relate to the attorney's practice in his or her home jurisdiction. We disagree. Rule 5.5(c) is an exception to the general prohibition on the unauthorized practice of law. By interpreting the exception to apply to expertise in any subject matter, the dissent allows the exception to swallow the general rule.

In re Charges of Unprofessional Conduct in Panel File No. 39302, 884 N.W.2d 661, 669 fn. 4 (Minn. 2016). Accordingly, the position advocated by the subcommittee appears to be a non-starter with a majority of the Court.

To the extent that it might be helpful, I had several additional concerns from my review of the memorandum. Another troubling aspect to me is the repeated references throughout the memorandum to the effect that these amendments somehow protect

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Minnesota lawyers, without expressly highlighting the fact that these amendments primarily help non-Minnesota lawyers coming into Minnesota, and the only "help" provided to Minnesota lawyers is protection from reciprocal discipline once another state has already disciplined the lawyer for engaging in UPL.

The memorandum states: "Hence, these Rule amendments will protect Minnesota lawyers from Minnesota discipline, even if another jurisdiction attempted to take action against the Minnesota lawyer." (Memo at 3.) No mention is made that these amendments have absolutely no impact on the position of other states, and that Minnesota lawyers will in every instance still need to review the rules in other states to ascertain if what they are doing outside of Minnesota is permitted. Lawyers already seem to have mistaken beliefs regarding permissible conduct outside their licensed jurisdiction, without the subcommittee lulling Minnesota lawyers into a false sense of security.

The memorandum goes on to state, in reference to the proposed amendment to Rule 5.5(e), that "this amendment would address the scenarios discussed above in which lawyers seek to continue work for clients who have relocated to other jurisdictions or who themselves seek to work from home in bordering jurisdictions or take extended vacations in other jurisdictions." (Memo at 5.) The amendment does no such thing for Minnesota lawyers, who are the ones described in the scenarios. It is only applicable to non-Minnesota lawyers who wish to come into Minnesota for the extended vacation or the North Dakota attorney who wishes to represent her North Dakota clients from her home office in Moorhead. It does nothing to address the opposite. The memo also does not note that the Supreme Court, in discussing this potential "friends and family" exception, did so in the context of a much narrower scope: "family members or friends in minor matters involving only Minnesota and Minnesota law." *Panel File No. 39302*, 884 N.W.2d at 668 fn. 1.

As it relates to the Rule 5.5(b) and 5.5(d) proposed amendments, the memo suggests that it is following the structure of the rule in Arizona (Memo at 6), but fails to note that in Arizona, while a lawyer may practice the law of another jurisdiction in Arizona, without being licensed in Arizona, she can only do so if she advises "the lawyer's client that the lawyer is not admitted to practice in Arizona, and must obtain the client's

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informed consent to such representation.” Arizona ER 5.5(f). So, in fact, the proposed amendment only follows Arizona’s rule in part, and omits a material consumer protection aspect of that rule without explanation.

The main effect of each of the amendments is to materially expand the circumstances where non-Minnesota licensed lawyers can come into Minnesota and practice law, without effectuating the same benefit for Minnesota lawyers in other states. I am not sure why that is of benefit to members of the Minnesota bar, and, as I am sure Pat has articulated, it does so while creating greater risk for Minnesota consumers of legal services. The proposed amendments also enhance a conundrum that already exists in Minnesota for non-Minnesota lawyers, because Minn. Stat. § 481.02, subdiv. 1, would currently prohibit the conduct even if Rule 5.5 would allow it. Section 481.02 clearly only allows members of the Minnesota bar to provide legal advice in Minnesota, and only one of the Rule 5.5(c) exceptions is currently codified in the statute, namely *pro hac vice* status. Minn. Stat. § 481.02, subdiv. 6 (2016). Violation of the statute is a misdemeanor. Minn. Stat. § 481.02, subdiv. 8 (2016).

I do worry about the need to continue to address the increasing mobility of lawyers, recognize that practices continue to involve interstate components, and understand the pressure to have a nationwide practice. However, we are currently regulated by a multi-state system that very much respects each state’s right to regulate the profession (even putting aside issues of trade protection), and which does not have uniform reciprocity rules. As the Committee is no doubt aware, many states have stricter UPL rules than Minnesota to the extent that they do not even have the safe harbor provisions in Minnesota Rule 5.5, or have further narrowed the reasonably-related language to only apply to matters for existing clients, and/or the client must be in the jurisdiction in which the lawyer is licensed. For example, North Carolina’s version of Rule 5.5(c)(4) reads:

[T]he lawyer acts with respect to a matter that arises out of or is otherwise reasonably related to the lawyer’s representation of a client in a jurisdiction in which the lawyer is admitted to practice and the lawyer’s services are not services for which *pro hac vice* admission is required.

N.C. Rule 5.5(c)(2) (emphasis supplied).

Mr. Michael C. McCarthy

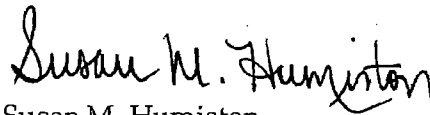
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These are the concerns that occurred to me as I reviewed the memorandum dated March 31, 2017. The comments are my own. Neither the Office of Lawyers Professional Responsibility nor the Board's Rules Committee have completed its analysis of the proposed changes such as to form a final position.

Please do not hesitate to contact me if you have any questions.

Very truly yours,



Susan M. Humiston

Director

jmc

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ABA Model Rules of Professional Conduct: Rule 5.5: Unauthorized Practice of Law; Multijurisdictional Practice of Law

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraphs (c) (2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction or in a foreign jurisdiction, and not disbarred or suspended from practice in any jurisdiction or the equivalent thereof, or a person otherwise lawfully practicing as an in-house counsel under the laws of a foreign jurisdiction, may provide legal services through an office or other systematic and continuous presence in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates, are not services for which the forum requires pro hac vice admission; and when performed by a foreign lawyer and requires advice on the law of this or another U.S. jurisdiction or of the United States, such advice shall be based upon the advice of a lawyer who is duly licensed and authorized by the jurisdiction to provide such advice; or

(2) are services that the lawyer is authorized by federal or other law or rule to provide in this jurisdiction.

(e) For purposes of paragraph (d):

(1) the foreign lawyer must be a member in good standing of a recognized legal profession in a foreign jurisdiction, the members of which are admitted to practice as lawyers or counselors at law or the equivalent, and subject to effective regulation and discipline by a duly constituted professional body or a public authority; or,

(2) the person otherwise lawfully practicing as an in-house counsel under the laws of a foreign jurisdiction must be authorized to practice under this rule by, in the exercise of its discretion, [the highest court of this jurisdiction].

Minnesota Rules of Professional Conduct: Rule 5.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so, except that a lawyer admitted to practice in Minnesota does not violate this rule by conduct in another jurisdiction that is permitted in Minnesota under Rule 5.5 (c) and (d) for lawyers not admitted to practice in Minnesota.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

- (1) except as authorized by these rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or
- (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction which:

- (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;
- (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in the proceeding or reasonably expects to be so authorized;
- (3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or
- (4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

Alabama Rules of Professional Conduct: Rule 5.5. Unauthorized Practice of Law

(a) A lawyer shall not:

- (1) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or
- (2) assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law.

(b) Subject to the requirements of Rule VII, Rules Governing Admission to the Alabama State Bar (Admission of Foreign Attorneys Pro Hac Vice), a lawyer admitted in another United States jurisdiction but not in the State of Alabama (and not disbarred or suspended from practice in that or any jurisdiction) does not engage in the unauthorized practice of law when the lawyer represents a client on a temporary or incidental basis (as defined below) in the State of Alabama. Services for a client are within the provisions of this subsection if the services:

- (1) are performed on a temporary basis by a lawyer admitted and in good standing in another United States jurisdiction, including transactional, counseling, or other nonlitigation services that arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice;
- (2) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding held or to be held in this or in another jurisdiction; or
- (3) are performed by an attorney admitted as an authorized house counsel under Rule IX of the Rules Governing Admission to the Alabama State Bar and who is performing only those services defined in that rule.

(c) A lawyer admitted to practice in another jurisdiction but not in the State of Alabama does not engage in the unauthorized practice of law in the State of Alabama when the lawyer renders services in the State of Alabama pursuant to other authority granted by federal law or under the law or a court rule of the State of Alabama.

(d) Except as authorized by these Rules or other law, a lawyer who is not admitted to practice in the State of Alabama shall not (1) establish an office or other permanent presence in this jurisdiction for the practice of law, or (2) represent or hold out to the public that the lawyer is admitted to practice law in Alabama.

(e) Practicing law other than in compliance with this rule or Rule VII or Rule VIII of the Rules Governing Admission to the Alabama State Bar, or other rule expressly permitting the practice of law, such as the Rule Governing Legal Internship by Law Students, shall constitute the unauthorized practice of law and shall subject the lawyer to all of the penalties, both civil and criminal, as provided by law.

Alaska Rules of Professional Conduct: Rule 5.5. Unauthorized Practice of Law;
Multijurisdictional Practice of Law

(a) A lawyer shall not practice law in any jurisdiction unless authorized to do so by the laws of that jurisdiction.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in that proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction or in a foreign jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates; are not services for which the forum requires pro hac vice admission; and, when performed by a foreign lawyer and require advice on the law of this or another U.S. jurisdiction or of the United States, are based on the advice of a lawyer who is duly licensed and authorized by the jurisdiction to provide such advice; or

(2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

(e) For purposes of paragraph (d), the foreign lawyer must be a member in good standing of a recognized legal profession in a foreign jurisdiction, the members of which are admitted to

practice as lawyers or counselors at law or the equivalent, and are subject to effective regulation and discipline by a duly constituted professional body or a public authority.

**Arizona Rules of Professional Conduct: ER 5.5. Unauthorized Practice of Law;
Multijurisdictional Practice of Law**

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) Except as authorized by these Rules or other law, a lawyer who is not admitted to practice in Arizona shall not:

- (1) engage in the regular practice of Arizona law; or
- (2) hold out to the public or otherwise represent that the lawyer is admitted to practice Arizona law.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in Arizona that involve Arizona law and which:

- (1) are undertaken in association with a lawyer who is admitted to practice in Arizona and who actively participates in the matter.
- (2) are in or reasonably related to a pending or potential proceeding before a tribunal in Arizona or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;
- (3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in Arizona or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or
- (4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction, or a lawyer admitted in a jurisdiction outside the United States, not disbarred or suspended from practice in any jurisdiction, may provide legal services in Arizona that exclusively involve federal law, the law of another jurisdiction, or tribal law.

(e) A lawyer admitted in another United States jurisdiction, or a lawyer admitted in a jurisdiction outside the United States, not disbarred or suspended from practice in any jurisdiction, and registered pursuant to Rule 38(a) of these rules, may provide legal services in Arizona that are provided to the lawyer's employer or its organizational affiliates and are not services for which pro hac vice admission is required.

(f) Any attorney who engages in the authorized multijurisdictional practice of law in Arizona under this rule must advise the lawyer's client that the lawyer is not admitted to practice in Arizona, and must obtain the client's informed consent to such representation.

(g) Attorneys not admitted to practice in Arizona, who are admitted to practice law in any other jurisdiction in the United States and who appear in any court of record or before any administrative hearing officer in Arizona, must also comply with Rules of the Supreme Court of Arizona governing pro hac vice admission. See Rule 39.

(h) Any attorney who engages in the multijurisdictional practice of law in Arizona, whether authorized in accordance with these Rules or not, shall be subject to the Rules of Professional Conduct and the Rules of the Supreme Court regarding attorney discipline in Arizona.

Arkansas Rules of Professional Conduct: RULE 5.5. UNAUTHORIZED PRACTICE OF LAW; MULTIJURISDICTIONAL PRACTICE OF LAW

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or

(2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

California Rules of Professional Conduct: Rule 1-300. Unauthorized Practice of Law

(A) A member shall not aid any person or entity in the unauthorized practice of law.

(B) A member shall not practice law in a jurisdiction where to do so would be in violation of regulations of the profession in that jurisdiction.

Colorado Rules of Professional Conduct: RULE 5.5. UNAUTHORIZED PRACTICE OF LAW; MULTIJURISDICTIONAL PRACTICE OF LAW

(a) A lawyer shall not:

- (1) practice law in this jurisdiction without a license to practice law issued by the Colorado Supreme Court unless specifically authorized by C.R.C.P. 204 or C.R.C.P. 205 or federal or tribal law;
- (2) practice law in a jurisdiction where doing so violates the regulations of the legal profession in that jurisdiction;
- (3) assist a person who is not authorized to practice law pursuant to subpart (a) of this Rule in the performance of any activity that constitutes the unauthorized practice of law; or
- (4) allow the name of a disbarred lawyer or a suspended lawyer who must petition for reinstatement to remain in the firm name.

(b) A lawyer shall not employ, associate professionally with, allow or aid a person the lawyer knows or reasonably should know is a disbarred, suspended, or on disability inactive status to perform the following on behalf of the lawyer's client:

- (1) render legal consultation or advice to the client;
- (2) appear on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, or hearing officer;
- (3) appear on behalf of a client at a deposition or other discovery matter;
- (4) negotiate or transact any matter for or on behalf of the client with third parties;
- (5) otherwise engage in activities that constitute the practice of law; or
- (6) receive, disburse or otherwise handle client funds.

(c) Subject to the limitation set forth below in paragraph (d), a lawyer may employ, associate professionally with, allow or aid a lawyer who is disbarred, suspended (whose suspension is partially or fully served), or on disability inactive status to perform research, drafting or clerical activities, including but not limited to:

- (1) legal work of a preparatory nature, such as legal research, the assemblage of data and other necessary information, drafting of pleadings, briefs, and other similar documents;
- (2) direct communication with the client or third parties regarding matters such as scheduling, billing, updates, confirmation of receipt or sending of correspondence and messages; and

(3) accompanying an active member in attending a deposition or other discovery matter for the limited purpose of providing assistance to the lawyer who will appear as the representative of the client.

(d) A lawyer shall not allow a person the lawyer knows or reasonably should know is disbarred, suspended, or on disability inactive status to have any professional contact with clients of the lawyer or of the lawyer's firm unless the lawyer:

(1) prior to the commencement of the work, gives written notice to the client for whom the work will be performed that the disbarred or suspended lawyer, or the lawyer on disability inactive status, may not practice law; and

(2) retains written notification for no less than two years following completion of the work.

(e) Once notice is given pursuant to C.R.C.P. 251.28 or this Rule, then no additional notice is required.

Connecticut Rules of Professional Conduct: Rule 5.5. Unauthorized Practice of Law

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so. The practice of law in this jurisdiction is defined in Practice Book Section 2-44A. Conduct described in subsections (c) and (d) in another jurisdiction shall not be deemed the unauthorized practice of law for purposes of this subsection (a).

(b) A lawyer who is not admitted to practice in this jurisdiction, shall not:

(1) except as authorized by law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction which accords similar privileges to Connecticut lawyers in its jurisdiction, and provided that the lawyer is not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction, that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential mediation or other alternative dispute resolution proceeding in this or another jurisdiction, with respect to a matter that is substantially related to, or arises in, a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within subdivisions (c) (2) or (c) (3) and arise out of or are substantially related to the legal services provided to an existing client of the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted to practice in another jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:

(1) the lawyer is authorized to provide pursuant to Practice Book Section 2-15A and the lawyer is an authorized house counsel as provided in that section; or

(2) the lawyer is authorized by federal or other law or rule to provide in this jurisdiction.

(e) A lawyer not admitted to practice in this jurisdiction and authorized by the provisions of this Rule to engage in providing legal services on a temporary basis in this jurisdiction is thereby subject to the disciplinary rules of this jurisdiction with respect to the activities in this jurisdiction.

(f) A lawyer desirous of obtaining the privileges set forth in subsections (c) (3) or (4): (1) shall notify the statewide bar counsel as to each separate matter prior to any such representation in Connecticut, (2) shall notify the statewide bar counsel upon termination of each such representation in Connecticut, and (3) shall pay such fees as may be prescribed by the Judicial Branch.

Delaware Lawyers' Rules of Professional Conduct: RULE 5.5. UNAUTHORIZED PRACTICE OF LAW; MULTIJURISDICTIONAL PRACTICE OF LAW

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction or in a foreign jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction, or in a foreign jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates after compliance with Supreme Court Rule 55.1(a)(1) and are not services for which the forum requires pro hac vice admission; or

(2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

District Of Columbia State Rules, Rules Governing the District Of Columbia Bar: Rule 5.5
Unauthorized Practice

A lawyer shall not:

- (a) Practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or
- (b) Assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law.

Florida Rules of Professional Conduct: Rule 4-5.5. Unlicensed Practice of Law; Multijurisdictional Practice of Law

(a) Practice of Law. A lawyer may not practice law in a jurisdiction other than the lawyer's home state, in violation of the regulation of the legal profession in that jurisdiction, or in violation of the regulation of the legal profession in the lawyer's home state or assist another in doing so.

(b) Prohibited Conduct. A lawyer who is not admitted to practice in Florida may not:

- (1) except as authorized by other law, establish an office or other regular presence in Florida for the practice of law;
- (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in Florida; or
- (3) appear in court, before an administrative agency, or before any other tribunal unless authorized to do so by the court, administrative agency, or tribunal pursuant to the applicable rules of the court, administrative agency, or tribunal.

(c) Authorized Temporary Practice by Lawyer Admitted in Another United States Jurisdiction. A lawyer admitted and authorized to practice law in another United States jurisdiction who has been neither disbarred or suspended from practice in any jurisdiction, nor disciplined or held in contempt in Florida by reason of misconduct committed while engaged in the practice of law permitted pursuant to this rule, may provide legal services on a temporary basis in Florida that are:

- (1) undertaken in association with a lawyer who is admitted to practice in Florida and who actively participates in the matter; or
- (2) in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer is authorized by law or order to appear in the proceeding or reasonably expects to be so authorized; or
- (3) in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, and the services are not services for which the forum requires pro hac vice admission:
 - (A) if the services are performed for a client who resides in or has an office in the lawyer's home state, or
 - (B) where the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice; or
- (4) not within subdivisions (c)(2) or (c)(3), and
 - (A) are performed for a client who resides in or has an office in the jurisdiction in which the lawyer is authorized to practice, or
 - (B) arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) Authorized Temporary Practice by Lawyer Admitted in a Non-United States Jurisdiction. A lawyer who is admitted only in a non-United States jurisdiction who is a member in good standing of a recognized legal profession in a foreign jurisdiction whose members are admitted to practice as lawyers or counselors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority, and who has been neither disbarred or suspended from practice in any jurisdiction nor disciplined or held in contempt in Florida by reason of misconduct committed while engaged in the practice of law permitted pursuant to this rule does not engage in the unlicensed practice of law in Florida when on a temporary basis the lawyer performs services in Florida that are:

- (1) undertaken in association with a lawyer who is admitted to practice in Florida and who actively participates in the matter; or
- (2) in or reasonably related to a pending or potential proceeding before a tribunal held or to be held in a jurisdiction outside the United States if the lawyer is authorized by law or by order of the tribunal to appear in the proceeding or reasonably expects to be so authorized; or
- (3) in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding held or to be held in Florida or another jurisdiction and the services are not services for which the forum requires pro hac vice admission:
 - (A) if the services are performed for a client who resides in or has an office in the jurisdiction in which the lawyer is admitted to practice, or
 - (B) where the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice; or
- (4) not within subdivisions (d)(2) or (d)(3), and
 - (A) are performed for a client who resides or has an office in a jurisdiction in which the lawyer is authorized to practice to the extent of that authorization, or
 - (B) arise out of or are reasonably related to a matter that has a substantial connection to a jurisdiction in which the lawyer is authorized to practice to the extent of that authorization; or
- (5) governed primarily by international law or the law of a non-United States jurisdiction in which the lawyer is a member.

Georgia Rules of Professional Conduct and Enforcement Thereof: RULE 5.5
UNAUTHORIZED PRACTICE OF LAW; MULTIJURISDICTIONAL PRACTICE OF
LAW

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A Domestic Lawyer shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the Domestic Lawyer is admitted to practice law in this jurisdiction.

(c) A Domestic Lawyer, who is not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the Domestic Lawyer, or a person the Domestic Lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the Domestic Lawyer's practice in a jurisdiction in which the Domestic Lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraphs (c) (2) or (c) (3) and arise out of or are reasonably related to the Domestic Lawyer's practice in a jurisdiction in which the Domestic Lawyer is admitted to practice.

(d) A Domestic Lawyer, who is not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:

(1) are provided to the Domestic Lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or

(2) are services that the Domestic Lawyer is authorized to provide by federal law or other law of this jurisdiction.

(e) A Foreign Lawyer shall not, except as authorized by this Rule or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law, or hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction. Such a Foreign Lawyer does not engage in the unauthorized practice of law in this

jurisdiction when on a temporary basis the Foreign Lawyer performs services in this jurisdiction that:

- (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;
- (2) are in or reasonably related to a pending or potential proceeding before a tribunal held or to be held in a jurisdiction outside the United States if the Foreign Lawyer, or a person the Foreign Lawyer is assisting, is authorized by law or by order of the tribunal to appear in such proceeding or reasonably expects to be so authorized;
- (3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceedings held or to be held in this or another jurisdiction, if the services arise out of or are reasonably related to the Foreign Lawyer's practice in a jurisdiction in which the Foreign Lawyer is admitted to practice;
- (4) are not within paragraphs (2) or (3) and
 - (i) are performed for a client who resides or has an office in a jurisdiction in which the Foreign Lawyer is authorized to practice to the extent of that authorization; or
 - (ii) arise out of or are reasonably related to a matter that has a substantial connection to a jurisdiction in which the lawyer is authorized to practice to the extent of that authorization; or
 - (iii) are governed primarily by international law or the law of a non-United States jurisdiction.

(f) A Foreign Lawyer, who is not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction subject to the following conditions:

- (1) The services are provided to the Foreign Lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; and
- (2) The Foreign Lawyer is and remains in this country in lawful immigration status and complies with all relevant provisions of United States immigration laws.

(g) For purposes of the grants of authority found in (e) and (f) above, the Foreign Lawyer must be a member in good standing of a recognized legal profession in a foreign jurisdiction, the members of which are admitted to practice as lawyers or counselors at law or the equivalent and subject to effective regulation and discipline by a duly constituted professional body or a public authority.

(h) A person who is not a member of the State Bar of Georgia, but who is allowed to practice law in Georgia on a limited basis pursuant to Supreme Court of Georgia Rules Part XXI, Rule 121, Provision Of Legal Services Following Determination Of Major Disaster, may provide legal services in this state to the extent allowed by said Rule.

(i) A person who is not a member of the State Bar of Georgia, but who is allowed to practice law in Georgia on a limited basis pursuant to Supreme Court of Georgia Rules Part XV, Rules 91-95, Student Practice Rule, may provide legal services in this state to the extent allowed by said Rule.

(j) A person who is not a member of the State Bar of Georgia, but who is allowed to practice law in Georgia on a limited basis pursuant to Supreme Court of Georgia Rules Part XVI, Rules 97-103, Law School Graduates, may provide legal services in this state to the extent allowed by said Rule.

(k) A person who is not a member of the State Bar of Georgia, but who is allowed to practice law in Georgia on a limited basis pursuant to Supreme Court of Georgia Rules Part XX, Rules 114-120, Extended Public Service Program, may provide legal services in this state to the extent allowed by said Rule.

The maximum penalty for a violation of this rule is disbarment.

Hawai'i Rules of Professional Conduct: Rule 5.5. Unauthorized Practice of Law

A lawyer shall not:

- (a) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or
- (b) assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law; or
- (c) allow any person who has been suspended or disbarred and who maintains a presence in an office where the practice of law is conducted by the lawyer to have any contact with the clients of the lawyer either in person, by telephone, or in writing or to have any contact with persons who have legal dealings with the office either in person, by telephone, or in writing.

Idaho Rules of Professional Conduct: Rule 5.5. Unauthorized practice of law

(a) A lawyer shall not practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction.

(b) A lawyer admitted to practice in another jurisdiction, but not in this jurisdiction, does not engage in the unauthorized practice of law in this jurisdiction when:

(1) the lawyer is authorized by law or order, including pro hac vice admission pursuant to Idaho Bar Commission Rule 222, to appear before a tribunal or administrative agency in this jurisdiction or is preparing for a potential proceeding or hearing in which the lawyer reasonably expects to be so authorized; or

(2) other than engaging in conduct governed by paragraph (1):

(i) a lawyer who is an employee of a client acts on the client's behalf or, in connection with the client's matters, on behalf of the client's commonly owned organizational affiliates;

(ii) the lawyer acts with respect to a matter that arises out of or is otherwise reasonably related to the lawyer's representation of a client in a jurisdiction in which the lawyer is admitted to practice; or

(iii) the lawyer is associated in the matter with a lawyer admitted to practice in this jurisdiction who actively participates in the representation.

(c) A lawyer shall not assist another person in the unauthorized practice of law.

Illinois Rules of Professional Conduct: Rule 5.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction or admitted or otherwise authorized to practice in a foreign jurisdiction, and not disbarred or suspended from practice in any jurisdiction or the equivalent thereof, may provide legal services through an office or other systematic and continuous presence in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or

(2) are services that the lawyer is authorized by federal or other law or rule to provide in this jurisdiction.

(e) For purposes of paragraph (d), the foreign lawyer must be a member in good standing of a recognized legal profession in a foreign jurisdiction.

Indiana Rules of Professional Conduct: Rule 5.5. Unauthorized Practice of Law;
Multijurisdictional Practice of Law

- (a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.
- (b) A lawyer who is not admitted to practice in this jurisdiction shall not:
- (1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or
 - (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.
- (c) A lawyer who is not admitted to practice in this jurisdiction, but is admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:
- (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;
 - (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;
 - (3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires temporary admission; or
 - (4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.
- (d) A lawyer who is not admitted to practice in this jurisdiction, but is admitted in another United States jurisdiction, or in a foreign jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction if:
- (1) the lawyer does not establish an office or other systematic and continuous presence in this jurisdiction for the practice of law and the legal services are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires temporary admission; or
 - (2) the services are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

Iowa Rules of Professional Conduct: Rule 32:5.5. Unauthorized practice of law; multijurisdictional practice of law

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

- (1) except as authorized by these rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or
- (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

- (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;
- (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;
- (3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or
- (4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services through an office or other systematic and continuous presence in this jurisdiction that:

- (1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or
- (2) are services that the lawyer is authorized by federal or other law or rule to provide in this jurisdiction.

**Kansas Rules of Professional Conduct: KRPC 5.5. Unauthorized Practice of Law:
Multijurisdictional Practice of Law**

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law (including Kansas Supreme Court Rule 712), establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are services in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction or in a foreign jurisdiction, and not disbarred or suspended from practice in any jurisdiction or the equivalent thereof, may provide legal services through an office or other systematic and continuous presence in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates; are not services for which the forum requires pro hac vice admission; and, when performed by a foreign lawyer and requires advice on the law of this or another jurisdiction or of the United States, such advice shall be based upon the advice of a lawyer who is duly licensed and authorized by the jurisdiction to provide such advice; and otherwise complies with Kansas Supreme Court Rule 712; or

(2) are services that the lawyer is authorized by federal law or other law or rule to provide in this jurisdiction.

(e) For purposes of paragraph (d), the foreign lawyer must be a member in good standing of a recognized legal profession in a foreign jurisdiction, the members of which are admitted to practice as lawyers or counselors at law or the equivalent, and are subject to effective regulation and discipline by a duly constituted professional body or a public authority.

Kentucky Rules of Professional Conduct: SCR 3.130(5.5) Unauthorized practice of law; multijurisdictional practice of law

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish or maintain an office or other presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction if such services:

(1) comply with SCR 3.030(2), or they do not require compliance with SCR 3.030(2) due to federal statute, rule or regulation; or

(2) are in, or reasonably related to, a pending or potential proceeding before a tribunal or alternative dispute resolution proceeding in another jurisdiction for a client, or prospective client pursuant to Rule 1.18, if the services arise out of, or are reasonably related to, the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission pursuant to SCR 3.030(2); or

(3) are not within paragraph (c) (2) and arise out of, or are reasonably related to, the representation of the lawyer's client in the jurisdiction in which the lawyer is admitted.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:

(1) comply with SCR 2.111 regarding a Limited Certificate of Admission to Practice Law in this jurisdiction; or

(2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

(e) A lawyer authorized to provide legal services under this Rule shall be subject to the Kentucky Rules of Professional Conduct and shall comply with SCR 3.030(2) or, if such legal services do not require compliance with that Rule, the lawyer must actively participate in, and assume responsibility for, the representation of the client.

Louisiana Rules of Professional Conduct: Rule 5.5. Unauthorized Practice of Law;
Multijurisdictional Practice of Law

(a) A lawyer shall not practice law in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission and that are provided by an attorney who has received a limited license to practice law pursuant to La. S. Ct. Rule XVII, § 14; or

(2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

(e)(1) A lawyer shall not:

(i) employ, contract with as a consultant, engage as an independent contractor, or otherwise join in any other capacity, in connection with the practice of law, any person the attorney knows or reasonably should know is a disbarred attorney, during the period

of disbarment, or any person the attorney knows or reasonably should know is an attorney who has permanently resigned from the practice of law in lieu of discipline; or

(ii) employ, contract with as a consultant, engage as an independent contractor, or otherwise join in any other capacity, in connection with the practice of law, any person the attorney knows or reasonably should know is a suspended attorney, or an attorney who has been transferred to disability inactive status, during the period of suspension or transfer, unless first preceded by the submission of a fully executed employment registration statement to the Office of Disciplinary Counsel, on a registration form provided by the Louisiana Attorney Disciplinary Board, and approved by the Louisiana Supreme Court.

(2) The registration form provided for in Section (e)(1) shall include:

(i) the identity and bar roll number of the suspended or transferred attorney sought to be hired;

(ii) the identity and bar roll number of the attorney having direct supervisory responsibility over the suspended attorney, or the attorney transferred to disability inactive status, throughout the duration of employment or association;

(iii) a list of all duties and activities to be assigned to the suspended attorney, or the attorney transferred to disability inactive status, during the period of employment or association;

(iv) the terms of employment of the suspended attorney, or the attorney transferred to disability inactive status, including method of compensation;

(v) a statement by the employing attorney that includes a consent to random compliance audits, to be conducted by the Office of Disciplinary Counsel, at any time during the employment or association of the suspended attorney, or the attorney transferred to disability inactive status; and

(vi) a statement by the employing attorney certifying that the order giving rise to the suspension or transfer of the proposed employee has been provided for review and consideration in advance of employment by the suspended attorney, or the attorney transferred to disability inactive status.

(3) For purposes of this Rule, the practice of law shall include the following activities:

(i) holding oneself out as an attorney or lawyer authorized to practice law;

(ii) rendering legal consultation or advice to a client;

(iii) appearing on behalf of a client in any hearing or proceeding, or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, hearing officer, or governmental body operating in an adjudicative capacity, including submission of pleadings, except as may otherwise be permitted by law;

- (iv) appearing as a representative of the client at a deposition or other discovery matter;
- (v) negotiating or transacting any matter for or on behalf of a client with third parties;
- (vi) otherwise engaging in activities defined by law or Supreme Court decision as constituting the practice of law.

(4) In addition, a suspended lawyer, or a lawyer transferred to disability inactive status, shall not receive, disburse or otherwise handle client funds.

(5) Upon termination of the suspended attorney, or the attorney transferred to disability inactive status, the employing attorney having direct supervisory authority shall promptly serve upon the Office of Disciplinary Counsel written notice of the termination.

Maine Rules of Professional Conduct: Rule 5.5. Unauthorized Practice of Law;
Multijurisdictional Practice of Law

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

- (1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or
- (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services that arise out of or are reasonably related to the representation of an existing client on a temporary basis in this jurisdiction that:

- (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;
- (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;
- (3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or
- (4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:

- (1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or
- (2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

Maryland Attorneys' Rules of Professional Conduct: RULE 19-305.5. UNAUTHORIZED PRACTICE OF LAW; MULTI-JURISDICTIONAL PRACTICE OF LAW (5.5)

(a) An attorney shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) An attorney who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the attorney is admitted to practice law in this jurisdiction.

(c) An attorney admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with an attorney who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the attorney, or a person the attorney is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the attorney's practice in a jurisdiction in which the attorney is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within subsections (c)(2) or (c)(3) of this Rule and arise out of or are reasonably related to the attorney's practice in a jurisdiction in which the attorney is admitted to practice.

(d) An attorney admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:

(1) are provided to the attorney's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or

(2) are services that the attorney is authorized to provide by federal law or other law of this jurisdiction.

Massachusetts Rules of Professional Conduct: Rule 5.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction or in a foreign jurisdiction, and not disbarred or suspended from practice in any jurisdiction or the equivalent thereof, may provide legal services through an office or other systematic and continuous presence in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or

(2) are services that the lawyer is authorized to provide by federal law or other law or rule of this jurisdiction.

(e) For purposes of paragraph (d), the foreign lawyer must be a member in good standing of a recognized legal profession in a foreign jurisdiction, the members of which are admitted to practice as lawyers or counselors at law or the equivalent, and are subject to effective regulation and discipline by a duly constituted professional body or a public authority.

Michigan Rules of Professional Conduct: RULE 5.5 UNAUTHORIZED PRACTICE OF LAW; MULTIJURISDICTIONAL PRACTICE OF LAW

- (a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.
- (b) A lawyer who is not admitted to practice in this jurisdiction shall not:
- (1) except as authorized by law or these rules, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or
 - (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.
- (c) A lawyer admitted in another jurisdiction of the United States and not disbarred or suspended from practice in any jurisdiction may provide temporary legal services in this jurisdiction that:
- (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;
 - (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer or a person the lawyer is assisting is authorized by law to appear in such proceeding or reasonably expects to be so authorized;
 - (3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or
 - (4) are not covered by paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.
- (d) A lawyer admitted in another jurisdiction of the United States and not disbarred or suspended from practice in any jurisdiction may provide legal services in this jurisdiction that:
- (1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or
 - (2) are services that the lawyer is authorized by law to provide in this jurisdiction

Mississippi Rules of Professional Conduct: Rule 5.5. Unauthorized Practice of Law

A lawyer shall not:

- (a) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or
- (b) assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law.

Missouri Rules of Professional Conduct: 4-5.5. Unauthorized Practice of Law;
Multijurisdictional Practice of Law

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by this Rule 4 or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted and authorized to practice law in another United States jurisdiction and not disbarred or suspended from practice in any jurisdiction may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction if the lawyer or a person the lawyer is assisting is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted and authorized to practice law and are not services for which the forum requires pro hac vice admission;

(4) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or

(5) are not within Rule 4-5.5(c)(2), (c)(3), or (c)(4) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted and authorized to practice law.

(d) A lawyer admitted in another United States jurisdiction and not disbarred or suspended from practice in any jurisdiction may establish an office or other systematic and continuous presence in this jurisdiction for the practice of law and provide legal services in this jurisdiction that are provided to the lawyer's employer or its organizational affiliates if the lawyer has obtained a limited license pursuant to Rule 8.105 or a general license pursuant to other provisions of Rule 8.

(e) A lawyer shall not practice law in Missouri if the lawyer is subject to Rule 15 and, because of failure to comply with Rule 15, The Missouri Bar has referred the lawyer's name to the chief disciplinary counsel or the commission on retirement, removal and discipline.

Montana Rules of Professional Conduct: Rule 5.5. Unauthorized practice of law

(a) A lawyer shall not:

- (1) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or
- (2) assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law.

(b) A lawyer admitted in another jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this state to the lawyer's employer or its organizational affiliates provided that those legal services are not services for which Montana requires pro hac vice admission and, when provided by a foreign lawyer and requiring advice on the law of this or another jurisdiction of the United States, such advice shall be based upon the advice of a lawyer who is duly licensed and authorized by the jurisdiction to provide such advice.

For purposes of this subsection, the foreign lawyer must be a member in good standing of a recognized legal profession in a foreign jurisdiction, the members of which are admitted to practice as lawyers or counselors at law or the equivalent, and are subject to effective regulation and discipline by a duly constituted professional body or a public authority.

Nebraska Rules of Professional Conduct: § 3-505.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission and the lawyer is registered under Neb. Ct. R. §§ 3-1201 to 3-1204, Registration of In-House Counsel.

(2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

Nevada Rules of Professional Conduct: Rule 5.5. Unauthorized Practice of Law

(a) General rule. A lawyer shall not:

- (1) Practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or
- (2) Assist another person in the unauthorized practice of law.

(b) Exceptions. A lawyer who is not admitted in this jurisdiction, but who is admitted and in good standing in another jurisdiction of the United States, does not engage in the unauthorized practice of law in this jurisdiction when:

- (1) The lawyer is authorized to appear before a tribunal in this jurisdiction by law or order of the tribunal or is preparing for a proceeding in which the lawyer reasonably expects to be so authorized;
- (2) The lawyer participates in this jurisdiction in investigation and discovery incident to litigation that is pending or anticipated to be instituted in a jurisdiction in which the lawyer is admitted to practice;
- (3) The lawyer is an employee of a client and is acting on behalf of the client or, in connection with the client's matters, on behalf of the client's other employees, or its commonly owned organizational affiliates in matters related to the business of the employer, provided that the lawyer is acting in this jurisdiction on an occasional basis and not as a regular or repetitive course of business in this jurisdiction;
- (4) The lawyer is acting with respect to a matter that is incident to work being performed in a jurisdiction in which the lawyer is admitted, provided that the lawyer is acting in this jurisdiction on an occasional basis and not as a regular or repetitive course of business in this jurisdiction;
- (5) The lawyer is engaged in the occasional representation of a client in association with a lawyer who is admitted in this jurisdiction and who has actual responsibility for the representation and actively participates in the representation, provided that the out-of-state lawyer's representation of the client is not part of a regular or repetitive course of practice in this jurisdiction;
- (6) The lawyer is representing a client, on an occasional basis and not as part of a regular or repetitive course of practice in this jurisdiction, in areas governed primarily by federal law, international law, or the law of a foreign nation; or
- (7) The lawyer is acting as an arbitrator, mediator, or impartial third party in an alternative dispute resolution proceeding.

(c) Interaction with Supreme Court Rule 42. Notwithstanding the provisions of paragraph (b) of this Rule, a lawyer who is not admitted to practice in this jurisdiction shall not represent a client in this state in an action or proceeding governed by Supreme Court Rule 42 unless the lawyer has

been authorized to appear under Supreme Court Rule 42 or reasonably expects to be so authorized.

(d) Limitations.

(1) No lawyer is authorized to provide legal services under this Rule if the lawyer:

(i) Is an inactive or suspended member of the State Bar of Nevada, or has been disbarred or has received a disciplinary resignation from the State Bar of Nevada;
or

(ii) Has previously been disciplined or held in contempt by reason of misconduct committed while engaged in the practice of law permitted under this Rule.

(2) A lawyer who is not admitted to practice in this jurisdiction shall not:

(i) Establish an office or other regular presence in this jurisdiction for the practice of law;

(ii) Solicit clients in this jurisdiction; or

(iii) Represent or hold out to the public that the lawyer is admitted to practice law in this jurisdiction.

(e) Conduct and discipline. A lawyer admitted to practice in another jurisdiction of the United States who acts in this jurisdiction pursuant to paragraph (b) of this Rule shall be subject to the Nevada Rules of Professional Conduct and the disciplinary jurisdiction of the Supreme Court of Nevada and the State Bar of Nevada as provided in Supreme Court Rule 99.

New Hampshire Rules of Professional Conduct: Rule 5.5. Unauthorized Practice Of Law; Multijurisdictional Practice Of Law

- (a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.
- (b) A lawyer who is not admitted to practice in this jurisdiction shall not:
- (1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of the law of this jurisdiction; or
 - (2) hold out to the public or otherwise represent that the lawyer is admitted to practice the law of this jurisdiction.
- (c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:
- (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;
 - (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;
 - (3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or
 - (4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.
- (d) A lawyer admitted in another United States jurisdiction or in a foreign jurisdiction, and not disbarred or suspended from practice in any jurisdiction or the equivalent thereof, may provide legal services through an office or other systematic and continuous presence in this jurisdiction that:
- (1) are provided to the lawyer's employer or its organizational affiliates; are not services for which the forum requires pro hac vice admission; and, when performed by a foreign lawyer and requires advice on the law of this or another U.S. jurisdiction or of the United States, such advice shall be based upon the advice of a lawyer who is duly licensed and authorized by the jurisdiction to provide such advice;
 - (2) are services that the lawyer is authorized by federal or other law or rule to provide in this jurisdiction; or

(3) relate solely to the law of a jurisdiction in which the lawyer is admitted.

(e) For purposes of paragraph (d), the foreign lawyer must be a member in good standing of a recognized legal profession in a foreign jurisdiction, the members of which are admitted to practice as lawyers or counselors at law or the equivalent, and are subject to effective regulation and discipline by a duly constituted professional body or public authority.

New Jersey Rules of Professional Conduct: RPC 5.5 Lawyers Not Admitted to the Bar of this State and the Lawful Practice of Law

(a) A lawyer shall not:

- (1) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or
- (2) assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law.

(b) A lawyer not admitted to the Bar of this State who is admitted to practice law before the highest court of any other state, territory of the United States, Puerto Rico, or the District of Columbia (hereinafter a United States jurisdiction) may engage in the lawful practice of law in New Jersey only if:

- (1) the lawyer is admitted to practice pro hac vice pursuant to R. 1:21-2 or is preparing for a proceeding in which the lawyer reasonably expects to be so admitted and is associated in that preparation with a lawyer admitted to practice in this jurisdiction; or
- (2) the lawyer is an in-house counsel and complies with R. 1:27-2; or
- (3) under any of the following circumstances:
 - (i) the lawyer engages in the negotiation of the terms of a transaction in furtherance of the lawyer's representation on behalf of an existing client in a jurisdiction in which the lawyer is admitted to practice and the transaction originates in or is otherwise related to a jurisdiction in which the lawyer is admitted to practice;
 - (ii) the lawyer engages in representation of a party to a dispute by participating in arbitration, mediation or other alternate or complementary dispute resolution program and the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which pro hac vice admission pursuant to R. 1:21-2 is required;
 - (iii) the lawyer investigates, engages in discovery, interviews witnesses or deposes witnesses in this jurisdiction for a proceeding pending or anticipated to be instituted in a jurisdiction in which the lawyer is admitted to practice;
 - (iv) the out-of-state lawyer's practice in this jurisdiction is occasional and the lawyer associates in the matter with, and designates and discloses to all parties in interest, a lawyer admitted to the Bar of this State who shall be held responsible for the conduct of the out-of-State lawyer in the matter; or
 - (v) the lawyer practices under circumstances other than (i) through (iii) above, with respect to a matter where the practice activity arises directly out of the lawyer's representation on behalf of an existing client in a jurisdiction in which the lawyer is admitted to practice, provided that such practice in this jurisdiction

is occasional and is undertaken only when the lawyer's disengagement would result in substantial inefficiency, impracticality or detriment to the client.

(c) A lawyer admitted to practice in another jurisdiction who acts in this jurisdiction pursuant to paragraph (b) above shall:

- (1) be licensed and in good standing in all jurisdictions of admission and not be the subject of any pending disciplinary proceedings, nor a current or pending license suspension or disbarment;
- (2) be subject to the Rules of Professional Conduct and the disciplinary authority of the Supreme Court of this jurisdiction;
- (3) consent in writing on a form approved by the Supreme Court to the appointment of the Clerk of the Supreme Court as agent upon whom service of process may be made for all actions against the lawyer or the lawyer's firm that may arise out of the lawyer's participation in legal matters in this jurisdiction, except that a lawyer who acts in this jurisdiction pursuant to subparagraph (b)(3)(ii) or (b)(3)(iii) above shall be deemed to have consented to such appointment without completing the form;
- (4) not hold himself or herself out as being admitted to practice in this jurisdiction;
- (5) comply with R. 1:21-1(a)(1); and
- (6) except for a lawyer who acts in this jurisdiction pursuant to subparagraph (b)(3)(ii) or (b)(3)(iii) above, annually register with the New Jersey Lawyers' Fund for Client Protection and comply with R. 1:20-1(b) and (c), R. 1:28-2, and R. 1:28B-1(e) during the period of practice.

New Mexico Rules of Professional Conduct: RULE 16-505. UNAUTHORIZED PRACTICE OF LAW; MULTIJURISDICTIONAL PRACTICE OF LAW

- A. A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction or assist another in doing so.
- B. A lawyer shall not employ or continue the employment of a disbarred or suspended lawyer as an attorney.
- C. A lawyer shall not employ or continue the employment of a disbarred or suspended lawyer as a law clerk, a paralegal, or in any other position of a quasi-legal nature if the suspended or disbarred lawyer has been specifically prohibited from accepting or continuing such employment by order of the Supreme Court or the disciplinary board.
- D. A lawyer who is not admitted to practice in this jurisdiction shall not:
- (1) except as authorized by the Rules of Professional Conduct or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or
 - (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.
- E. A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that in compliance with Rule 24-106 NMRA
- (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter; and
 - (2) are in or reasonably related to a pending or potential proceeding before a court, legislative body, administrative agency, or other tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized.
- F. A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction may provide legal services in this jurisdiction that without Rule 24-106 NMRA compliance
- (1) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission;
 - (2) arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice. In transactions involving issues specific to New Mexico law, the lawyer shall associate counsel admitted to practice in this jurisdiction;

(3) are provided to the lawyer's employer or its organizational affiliates as in-house counsel subject to any registration requirements and are not services for which the forum requires pro hac vice admission; or

(4) are services that the lawyer is authorized by federal or other law to provide in this jurisdiction.

New York Rules of Professional Conduct: Rule 5.5. Unauthorized Practice of Law

- (a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction.
- (b) A lawyer shall not aid a nonlawyer in the unauthorized practice of law.

Rules of Professional Conduct of the North Carolina State Bar: Rule 5.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law

(a) A lawyer shall not practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted to practice in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, does not engage in the unauthorized practice of law in this jurisdiction if the lawyer's conduct is in accordance with these Rules and:

(1) the lawyer is authorized by law or order to appear before a tribunal or administrative agency in this jurisdiction or is preparing for a potential proceeding or hearing in which the lawyer reasonably expects to be so authorized;

(2) the lawyer acts with respect to a matter that arises out of or is otherwise reasonably related to the lawyer's representation of a client in a jurisdiction in which the lawyer is admitted to practice and the lawyer's services are not services for which pro hac vice admission is required;

(3) the lawyer acts with respect to a matter that is in or is reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the lawyer's services arise out of or are reasonably related to the lawyer's representation of a client in a jurisdiction in which the lawyer is admitted to practice and are not services for which pro hac vice admission is required; or

(4) the lawyer is associated in the matter with a lawyer admitted to practice in this jurisdiction who actively participates in the representation and the lawyer is admitted pro hac vice or the lawyer's services are not services for which pro hac vice admission is required.

(d) A lawyer admitted to practice in another United States jurisdiction or in a foreign jurisdiction, and not disbarred or suspended from practice in any jurisdiction, or the equivalent thereof, does not engage in the unauthorized practice of law in this jurisdiction and may establish an office or other systematic and continuous presence in this jurisdiction for the practice of law if the lawyer's conduct is in accordance with these Rules and:

(1) the lawyer provides legal services to the lawyer's employer or its organizational affiliates; the services are not services for which pro hac vice admission is required; and, when the services are performed by a foreign lawyer and require advice on the law of this or another US jurisdiction or of the United States, such advice is based upon the advice of

a lawyer who is duly licensed and authorized by the jurisdiction to provide such advice;
or

(2) the lawyer is providing services limited to federal law, international law, the law of a foreign jurisdiction or the law of the jurisdiction in which the lawyer is admitted to practice, or the lawyer is providing services that the lawyer is authorized by federal or other law or rule to provide in this jurisdiction.

(e) A lawyer admitted to practice in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, does not engage in the unauthorized practice of law in this jurisdiction and may establish an office or other systematic and continuous presence in this jurisdiction for the practice of law if the lawyer's conduct is in accordance with these Rules, the lawyer is the subject of a pending application for admission to the North Carolina State Bar by comity, having never previously been denied admission to the North Carolina State Bar for any reason, and the lawyer satisfies the following conditions:

(1) is licensed to practice law in a state with which North Carolina has comity in regard to admission to practice law;

(2) is a member in good standing in every jurisdiction in which the lawyer is licensed to practice law;

(3) has satisfied the educational and experiential requirements prerequisite to comity admission to the North Carolina State Bar;

(4) is domiciled in North Carolina;

(5) has established a professional relationship with a North Carolina law firm and is actively supervised by at least one licensed North Carolina attorney affiliated with that law firm; and

(6) gives written notice to the secretary of the North Carolina State Bar that the lawyer intends to begin the practice of law pursuant to this provision, provides the secretary with a copy of the lawyer's application for admission to the State Bar, and agrees that the lawyer is subject to these rules and the disciplinary jurisdiction of the North Carolina State Bar. A lawyer acting pursuant to this provision may not provide services for which pro hac vice admission is required, and shall be ineligible to practice law in this jurisdiction immediately upon being advised that the lawyer's application for comity admission has been denied.

(f) A lawyer shall not assist another person in the unauthorized practice of law.

(g) A lawyer or law firm shall not employ a disbarred or suspended lawyer as a law clerk or legal assistant if that individual was associated with such lawyer or law firm at any time on or after the date of the acts which resulted in disbarment or suspension through and including the effective date of disbarment or suspension.

(h) A lawyer or law firm employing a disbarred or suspended lawyer as a law clerk or legal assistant shall not represent any client represented by the disbarred or suspended lawyer or by any lawyer with whom the disbarred or suspended lawyer practiced during the period on or after the date of the acts which resulted in disbarment or suspension through and including the effective date of disbarment or suspension.

(i) For the purposes of paragraph (d), the foreign lawyer must be a member in good standing of a recognized legal profession in a foreign jurisdiction, the members of which are admitted to practice as lawyers or counselors at law or the equivalent, and are subject to effective regulation and discipline by a duly constituted professional body or a public authority.

North Dakota Rules of Professional Conduct: Rule 5.5. Unauthorized Practice of Law

(a) A lawyer shall not practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction.

(b) A lawyer admitted to practice in another jurisdiction and not in this jurisdiction who performs legal services in this jurisdiction on a temporary basis does not engage in the unauthorized practice of law in this jurisdiction when:

(1) the lawyer who is an employee of a client, acts on the client's behalf, or on behalf of the client's commonly owned affiliates, except for work for which pro hac vice admission or registration under Admission to Practice R.3 is required;

(2) the lawyer acts with respect to a matter that arises out of the lawyer's representation of a client in a jurisdiction in which the lawyer is admitted to practice, except for work for which pro hac vice admission or registration under Admission to Practice R.3 is required;

(3) with respect to matters for which registration or pro hac vice admission is available under Admission to Practice R.3, the lawyer is authorized to represent a client or is preparing for a matter in which the lawyer reasonably expects to be so authorized;

(4) with respect to matters, transactions or proceedings pending in or substantially related to this jurisdiction and for which pro hac vice admission is not available under Admission to Practice R.3, the lawyer is associated in the matter, transaction or proceeding with a lawyer admitted to practice in this jurisdiction who actively participates in the representation of the client in the matter, transaction or proceeding; or

(5) the lawyer performs a service that may be performed by a person without a license to practice law or without other authorization from a federal, state or local governmental body.

(c) A lawyer admitted to practice in another United States jurisdiction or in a foreign jurisdiction not in this jurisdiction, who establishes an office or whose presence is other than temporary in this jurisdiction does not engage in the unauthorized practice of law in this jurisdiction when:

(1) the lawyer who is an employee of a client, acts on the client's behalf, or on behalf of the client's commonly owned affiliates, and the lawyer is eligible for and has complied with the lawyer registration rules under Admission to Practice R.3 ; and when the lawyer is a foreign lawyer and the services require advice on the law of this or another U.S. jurisdiction or of the United States, provided that the advice must be based upon the advice of a lawyer who is duly licensed and authorized by this jurisdiction to provide the advice, or

(2) the lawyer renders services in this jurisdiction pursuant to other authority granted by federal law or a law or Court rule of this jurisdiction.

(d) A lawyer who is not admitted to practice in this jurisdiction shall not represent or hold out to the public that the lawyer is admitted to practice law in this jurisdiction. A lawyer who practices

law in this jurisdiction under paragraph(b) or (c) shall disclose in writing to the client that the lawyer is not licensed in this jurisdiction.

(e) A lawyer shall not assist another person in the unauthorized practice of law.

(f) For purposes of paragraph (c), the foreign lawyer must be a member in good standing of a recognized legal profession in a foreign jurisdiction, the members of which are admitted to practice as lawyers or counselors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority.

Ohio Rules of Professional Conduct: Rule 5.5 Unauthorized practice of law; multijurisdictional practice of law

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not do either of the following:

- (1) except as authorized by these rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law;
- (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer who is admitted in another United States jurisdiction, is in good standing in the jurisdiction in which the lawyer is admitted, and regularly practices law may provide legal services on a temporary basis in this jurisdiction if one or more of the following apply:

- (1) the services are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;
- (2) the services are reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;
- (3) the services are reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission;
- (4) the lawyer engages in negotiations, investigations, or other nonlitigation activities that arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted and in good standing in another United States jurisdiction may provide legal services in this jurisdiction through an office or other systematic and continuous presence in any of the following circumstances:

- (1) the lawyer is registered in compliance with Gov. Bar R. VI, Section 6 and is providing services to the employer or its organizational affiliates for which the permission of a tribunal to appear pro hac vice is not required;
- (2) the lawyer is providing services that the lawyer is authorized to provide by federal or Ohio law;

(3) the lawyer is registered in compliance with and is providing pro bono legal services as permitted by Gov. Bar R. VI, Section 6.

Oklahoma Rules of Professional Conduct: Rule 5.5. Unauthorized practice of law; Multi jurisdictional practice of law

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) Subject to the provisions of 5.5(a), a lawyer admitted in a United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in a jurisdiction where not admitted to practice that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates in connection with the employer's matters, provided the employer does not render legal services to third persons and are not services for which the forum requires pro hac vice admission; or

(2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

Oregon Rules of Professional Conduct: Rule 5.5. Unauthorized Practice of Law;
Multijurisdictional Practice

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternate dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission;

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice; or

(5) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission.

(d) A lawyer admitted in another jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

(e) A lawyer who provides legal services in connection with a pending or potential arbitration proceeding to be held in his jurisdiction under paragraph (c)(3) of this rule must, upon engagement by the client, certify to the Oregon State Bar that:

(1) the lawyer is in good standing in every jurisdiction in which the lawyer is admitted to practice; and

(2) unless the lawyer is in-house counsel or an employee of a government client in the matter, that the lawyer:

(i) carries professional liability insurance substantially equivalent to that required of Oregon lawyers, or

(ii) has notified the lawyer's client in writing that the lawyer does not have such insurance and that Oregon law requires Oregon lawyers to have such insurance.

The certificate must be accompanied by the administrative fee for the appearance established by the Oregon State Bar and proof of service on the arbitrator and other parties to the proceeding.

Pennsylvania Rules of Professional Conduct: Rule 5.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules, Pa.B.A.R. 302 or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction or in a foreign jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may, subject to the requirements of Pa.B.A.R. 302, provide legal services in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission, except that this paragraph (d) does not authorize a lawyer who is not admitted in this jurisdiction and who is employed by the Commonwealth, any of its political subdivisions or any of their organizational affiliates to provide legal services in this jurisdiction; or

(2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

Rhode Island Rules of Professional Conduct: Rule 5.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or

(2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

South Carolina Rules of Professional Conduct: RULE 5.5. UNAUTHORIZED PRACTICE OF LAW; MULTIJURISDICTIONAL PRACTICE OF LAW

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's representation of an existing client in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraph (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's representation of an existing client in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or

(2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

South Dakota Rules of Professional Conduct: Rule 5.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) Except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) Hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) Are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) Are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) Are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) Are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice, and

(5) In all cases, the lawyer obtains a South Dakota sales tax license and tenders the applicable taxes pursuant to Chapter 10-45.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:

(1) Are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or

(2) Are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction, provided that the lawyer obtains a South Dakota sales tax license and tenders the applicable taxes pursuant to Chapter 10-45.

Tennessee Rules of Professional Conduct: Rule 5.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's representation of an existing client in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's representation of an existing client in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services through an office or other systematic and continuous presence in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or

(2) are services that the lawyer is authorized to provide by federal law or other law or rule of this jurisdiction.

(3) A lawyer providing legal services pursuant to paragraph (d)(1) is subject to registration pursuant to Tenn. Sup. Ct. R. 7, § 10.01, and may be subject to other requirements, including assessments for client protection funds and mandatory continuing

legal education. Failure to register in a timely manner may preclude the lawyer from later seeking admission in this jurisdiction.

(e) A lawyer authorized to provide legal services in this jurisdiction pursuant to paragraph (d)(1) of this Rule may also provide pro bono legal services in this jurisdiction, provided that these services are offered through an established not-for-profit bar association, pro bono program or legal services program or through such organization(s) specifically authorized in this jurisdiction and provided that these are services for which the forum does not require pro hac vice admission.

(f) A lawyer providing legal services in Tennessee pursuant to paragraph (c) or (d) shall advise the lawyer's client that the lawyer is not admitted to practice in Tennessee and shall obtain the client's informed consent to such representation.

(g) A lawyer providing legal services in Tennessee pursuant to paragraph (c) or (d) shall be deemed to have submitted himself or herself to personal jurisdiction in Tennessee for claims arising out of the lawyer's actions in providing such services in this state.

(h) A lawyer or law firm shall not employ or continue the employment of a disbarred or suspended lawyer as an attorney, legal consultant, law clerk, paralegal or in any other position of a quasi-legal nature.

Texas Disciplinary Rules of Professional Conduct: Rule 5.05. Unauthorized Practice of Law

A lawyer shall not:

- (a) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or
- (b) assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law.

**Utah Rules of Professional Conduct: RULE 5.5. UNAUTHORIZED PRACTICE OF LAW;
MULTIJURISDICTIONAL PRACTICE OF LAW**

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(b)(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(b)(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(c)(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(c)(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(c)(3) are in or reasonably related to a pending or potential arbitration, mediation or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(c)(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction and not disbarred or suspended from practice in any jurisdiction may provide legal services through an office or other systematic and continuous presence in this jurisdiction without admission to the Utah State Bar if :

(d)(1) the services are provided to the lawyer's employer or its organizational affiliates while the lawyer has a pending application for admission to the Utah State Bar and are not services for which the forum requires pro hac vice admission; or

(d)(2) the services provided are authorized by specific federal or Utah law or by applicable rule.

Vermont Rules of Professional Conduct: RULE 5.5. UNAUTHORIZED PRACTICE OF LAW; MULTIJURISDICTIONAL PRACTICE OF LAW

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or

(2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

Virginia Rules of Professional Conduct: RULE 5.5. UNAUTHORIZED PRACTICE OF LAW; MULTIJURISDICTIONAL PRACTICE OF LAW

(a) A lawyer, law firm or professional corporation shall not employ in any capacity a lawyer whose license has been suspended or revoked for professional misconduct, during such period of suspension or revocation, if the disciplined lawyer was associated with such lawyer, law firm, or professional corporation at any time on or after the date of the acts which resulted in suspension or revocation.

(b) A lawyer, law firm or professional corporation employing a lawyer as a consultant, law clerk, or legal assistant when that lawyer's license is suspended or revoked for professional misconduct shall not represent any client represented by the disciplined lawyer or by any lawyer with whom the disciplined lawyer practiced on or after the date of the acts which resulted in suspension or revocation.

(c) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(d) Foreign Lawyers:

(1) "Foreign Lawyer" is a person authorized to practice law by the duly constituted and authorized governmental body of any State or Territory of the United States or the District of Columbia, or a foreign nation, but is neither licensed by the Supreme Court of Virginia or authorized under its rules to practice law generally in the Commonwealth of Virginia, nor disbarred or suspended from practice in any jurisdiction.

(2) A Foreign Lawyer shall not, except as authorized by these Rules or other law:

(i) establish an office or other systematic and continuous presence in Virginia for the practice of law, which may occur even if the Foreign Lawyer is not physically present in Virginia; or

(ii) hold out to the public or otherwise represent that the Foreign Lawyer is admitted to practice law in Virginia.

(3) A Foreign Lawyer shall inform the client and interested third parties in writing:

(i) that the lawyer is not admitted to practice law in Virginia;

(ii) the jurisdiction(s) in which the lawyer is licensed to practice; and

(iii) the lawyer's office address in the foreign jurisdiction.

(4) A Foreign Lawyer may, after informing the client as required in 3(i)-(iii) above, provide legal services on a temporary and occasional basis in Virginia that:

(i) are undertaken in association with a lawyer who is admitted to practice without limitation in Virginia or admitted under Part I of Rule 1A:5 of this Court and who actively participates in the matter;

(ii) are in or reasonably related to a pending or potential proceeding before a tribunal in Virginia or another jurisdiction, if the Foreign Lawyer, or a person the Foreign Lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(iii) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in Virginia or another jurisdiction, if the services arise out of or are reasonably related to the Foreign Lawyer's practice in a jurisdiction in which the Foreign Lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(iv) are not within paragraphs (4)(ii) or (4)(iii) and arise out of or are reasonably related to the representation of a client by the Foreign Lawyer in a jurisdiction in which the Foreign Lawyer is admitted to practice or, subject to the foregoing limitations, are governed primarily by international law.

(5) A foreign legal consultant practicing under Rule 1A:7 of this Court and a corporate counsel registrant practicing under Part II of Rule 1A:5 of this Court are not authorized to practice under this rule.

Washington Rules of Professional Conduct: RULE 5.5. UNAUTHORIZED PRACTICE OF LAW; MULTIJURISDICTIONAL PRACTICE OF LAW

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction or in a foreign jurisdiction, and not disbarred or suspended from practice in any jurisdiction or the equivalent thereof, may provide legal services in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates and are (i) provided on a temporary basis and (ii) not services for which the forum requires pro hac vice admission; and, when performed by a foreign lawyer and requires advice on the law of this or another jurisdiction or of the United States, such advice shall be based upon the advice of a lawyer who is duly licensed and authorized by the jurisdiction to provide such advice; or

(2) are services that the lawyer is authorized by federal law or other law or rule to provide in this jurisdiction.

(e) For purposes of paragraph (d), the foreign lawyer must be a member in good standing of a recognized legal profession in a foreign jurisdiction, the members of which are admitted to practice as lawyers or counselors at law or the equivalent, and are subject to effective regulation and discipline by a duly constituted professional body or a public authority.

West Virginia Rules of Professional Conduct: Rule 5.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law

- (a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.
- (b) A lawyer who is not admitted to practice in this jurisdiction shall not:
- (1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or
 - (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.
- (c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:
- (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;
 - (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;
 - (3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or
 - (4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.
- (d) A lawyer admitted in another United States jurisdiction or in a foreign jurisdiction, and not disbarred or suspended from practice in any jurisdiction or the equivalent thereof, may provide legal services through an office or other systematic and continuous presence in this jurisdiction that:
- (1) are provided to the lawyer's employer or its organizational affiliates; are not services for which the forum requires pro hac vice admission; and, when performed by a foreign lawyer and requires advice on the law of this or another jurisdiction or of the United States, such advice shall be based upon the advice of a lawyer who is duly licensed and authorized by the jurisdiction to provide such advice; or
 - (2) are services that the lawyer is authorized by federal or other law or rule to provide in this jurisdiction.

(e) For purposes of paragraph (d), the foreign lawyer must be a member in good standing of a recognized legal profession in a foreign jurisdiction, the members of which are admitted to practice as lawyers or counselors at law or the equivalent, and are subject to effective regulation and discipline by a duly constituted professional body or a public authority.

(f) Before providing any legal services set forth in paragraph (c) or (d) a lawyer must make an affirmative disclosure to the client that the lawyer is not admitted to practice in West Virginia.

Wisconsin Rules of Professional Conduct for Attorneys: SCR 20:5.5. Unauthorized practice of law; multijurisdictional practice of law

(a) A lawyer shall not:

- (1) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction except that a lawyer admitted to practice in Wisconsin does not violate this rule by conduct in another jurisdiction that is permitted in Wisconsin under SCR 20:5.5(c) and (d) for lawyers not admitted in Wisconsin; or
- (2) assist another in practicing law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

- (1) except as authorized by this rule or other law, establish an office or maintain a systematic and continuous presence in this jurisdiction for the practice of law; or
- (2) hold out to the public or otherwise represent that the lawyer is admitted to the practice of law in this jurisdiction.

(c) Except as authorized by this rule, a lawyer who is not admitted to practice in this jurisdiction but who is admitted to practice in another jurisdiction of the United States and not disbarred or suspended from practice in any jurisdiction for disciplinary reasons or for medical incapacity, may not provide legal services in this jurisdiction except when providing services on an occasional basis in this jurisdiction that:

- (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter; or
- (2) are in, or reasonably related to, a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized; or
- (3) are in, or reasonably related to, a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of, or are reasonably related to, the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or
- (4) are not within subsections (c)(2) or (c)(3) and arise out of, or are reasonably related to, the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted to practice in another United States jurisdiction or in a foreign jurisdiction, who is not disbarred or suspended from practice in any jurisdiction for disciplinary reasons or medical incapacity, may provide legal services through an office or other systematic and continuous presence in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates after compliance with SCR 10.03(4)(f), and are not services for which the forum requires pro hac vice admission; or

(2) are services that the lawyer is authorized to provide by federal law or other law or other rule of this jurisdiction.

(e) A lawyer admitted to practice in another jurisdiction of the United States or a foreign jurisdiction who provides legal services in this jurisdiction pursuant to sub. (c) and (d) above shall consent to the appointment of the Clerk of the Wisconsin Supreme Court as agent upon whom service of process may be made for all actions against the lawyer or the lawyer's firm that may arise out of the lawyer's participation in legal matters in this jurisdiction.

Wyoming Rules of Professional Conduct: Rule 5.5. Unauthorized Practice of Law;
Multijurisdictional Practice of Law

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding; or

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction or the equivalent of, may provide legal services in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or

(2) are services that the lawyer is authorized by federal law, tribal law or other law or rule to provide in this jurisdiction.